

From: [Uomoto, Leila](#)
To: richard.minter@workers-united.org; iglitzin@workerlaw.com; multhaup@workerlaw.com; white@workerlaw.com; ihayes@hayesdolce.com
Cc: [McBride, Sarah M](#)
Subject: 19-RC-295849 Starbucks Corporation
Date: Monday, May 16, 2022 3:28:00 PM
Attachments: [PET.19-RC-295849.Starbucks Petition.pdf](#)
[DCK.19-RC-295849.Letter to Petitioner in RC case.pdf](#)

Attached is the Petition; the initial docket letter to the Petitioner; and the Notice of Hearing in the above captioned case. Further questions can be directed to Attorney Sarah McBride at phone: 206-220-6282 or email: Sarah.mcbride@nlrb.gov. Thank you.

Best Regards,

*Leila Uomoto, Program Support Assistant
National Labor Relations Board, Region 19
915 Second Avenue
Seattle, Washington 98174*

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case 19-RC-295849	Date Filed 5/13/2022
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INSTRUCTIONS: Unless e-Filed using the Agency's website, <http://www.nlr.gov/>, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1 PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: Starbucks Corporation		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 4115 4th Ave S, Seattle, WA 98134	
3a. Employer Representative - Name and Title: Howard Schultz, CEO		3b. Address (if same as 2b - state same): 2401 Utah Avenue South, Suite 800, Seattle, WA 98134	
3c. Tel. No. 206-318-2212	3d. Cell No.	3e. Fax No.	3f. E-Mail Address hschultz@starbucks.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Coffee shop		4b. Principal Product or Service Food and beverage	5a. City and State where unit is located: Seattle, WA
5b. Description of Unit Involved: Included: All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.			6a. Number of Employees in Unit: Approx. 24 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Check One: ☐ 7a Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state)
☐ 7b Petitioner is currently recognized as Bargaining Representative and desires certification under the Act

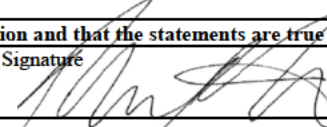
8a. Name of Recognized or Certified Bargaining Agent (If none, so state):		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <u>NO</u> If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____.			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)			

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election:		11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
11b. Election Date(s): ASAP	11c. Election Time(s): N/A	11d. Election Location(s): N/A	

12a. Full Name of Petitioner (including local name and number): Workers United		12b. Address (street and number, city, State and ZIP code) 22 South 22 nd Street, Philadelphia, PA 19103	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state) Service Employees International Union			
12d. Tel. No. 646-448-6414	12e. Cell No.	12f. Fax No. 215-575-9065	12g. E-Mail Address RMinter@pjbwu.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Marina Multhaup, Attorney		13b. Address (street and number, city, State and ZIP code) Barnard Iglitzin & Lavitt, LLP 18 W. Mercer St., Ste 400, Seattle, WA 98119	
13c. Tel. No. 260-257-6001	13d. Cell No.	13e. Fax No. 206-378-4132	13f. E-Mail Address multhaup@workerlaw.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Marina Multhaup	Signature 	Title Attorney	Date May 13, 2022
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

May 16, 2022

URGENT

richard.minter@workers-united.org
(215)575-9065

Richard A. Minter, Assistant Manager
Workers United
22 S 22nd St.
Philadelphia, PA 19103-3005

Re: Starbucks Corporation
Case 19-RC-295849

Dear Mr. Minter:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney SARAH M. MCBRIDE whose telephone number is (206) 220-6282. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206) 220-6319. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within 2

business days. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 AM on Monday, June 6, 2022** by way of **Videoconferencing Hearing - Zoom**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by May 23, 2022 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Pacific Time on May 26, 2022**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Pacific Time on June 1, 2022**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike**

other e-Filed documents, will not be timely if filed on the due date but after noon Pacific Time. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or

from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Dmitri Iglitzin, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971

Marina Multhaup, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Michael White, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Ian Hayes, Attorney
Hayes Dolce
471 Voorhees Avenue
Buffalo, NY 14216

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National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 19-RC-295849 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

Included:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers.

Excluded:

Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (206)220-6300.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**



Starbucks Corporation Employer and Workers United Petitioner	Case 19-RC-295849
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

IT IS HEREBY ORDERED that, pursuant to Sections 3(b) and 9(c) of the Act, a video hearing in the above entitled matter is scheduled for **Monday, June 6, 2022 at 9:00 a.m. PT.** The video hearing will continue on consecutive days thereafter until concluded. At the hearing, the parties will have the right to appear by video and give testimony. The information necessary to participate in the video hearing will be provided to the parties prior to the hearing by the Hearing Officer.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Pacific time on May 26, 2022. Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Pacific on June 01, 2022.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: May 16, 2022

Ronald K. Hooks

RONALD K. HOOKS, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2ND AVE STE 2948
SEATTLE, WA 98174-1006

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

19-RC-295849

Date Filed

May 13, 2022

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be <i>added</i> to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be <i>excluded</i> from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative	9b. Signature of authorized representative		9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME Starbucks Corporation	CASE NUMBER 19-RC-295849
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).**

7A. PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:
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8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:
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9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.
19-RC-295849

Date Filed
May 13, 2022

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer	An Intervenor/Union
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1a. Full Name of Party Filing Responsive Statement of Position			
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1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address
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1b. Address (Street and Number, City, State, and ZIP Code)			
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2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date
--	--	------

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

From: Snook, Dennis
Sent: Monday, October 31, 2022 9:26 PM
To: Fisher, Gregory; Dieckman, Alyson D.; starbucksnlrb@littler.com; blynch@littler.com; rhammond@littler.com; rsaade@littler.com; richard.minter@workers-united.org; Dmitri Iglitzin; multhaup@workerlaw.com; ihayes@hayesdolce.com
Subject: STARBUCKS CORPORATION 19-RC-295849
Attachments: PRV.19-RC-295849.Representative for the RD's Petition to Revoke Subpoena Duces Tecum.doc.pdf; SVC.19-RC-295849.Representative for the RD's Petition to Revoke Subpoena Duces Tecum.pdf

Dear Parties,

Attached are the following documents:

- 1) Representative for the Regional Director's Petition to Revoke Subpoena Duces Tecum.
- 2) Affidavit of Service of the above document.

Regards,

--OM Snook
NLRB, Region 19-Seattle

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295849

**WORKERS UNITED affiliated with SERVICE
EMPLOYEES INTERNATIONAL UNION**

Petitioner

**REPRESENTATIVE FOR THE REGIONAL DIRECTOR'S PETITION TO
REVOKE SUBPOENA DUCES TECUM B-1-1H8XWFP AND B-1-1HB1DBR**

Pursuant to Rule 102.31(b) of the Board's Rules and Regulations and Statements of Procedure (the "Board's Rules and Regulations"), the Regional Director, through its Representative ("RDR") requests that the entirety of subpoenas *duces tecum* B-1-1H8XWFP (the "First Subpoena"), attached hereto as Exhibit A, and B-1-1HB1DBR (the "Second Subpoena"), attached hereto as Exhibit B, be quashed and revoked.

The First Subpoena and Second Subpoena (collectively, the "Subpoenas") were requested by counsel for the Employer ("Employer") in the above matter concerning an election involving Workers United, affiliated with Service Employees International Union ("Petitioner"). The First Subpoena was served on the Regional Director of Region 19 ("Region 19 RD"), and on the NLRB General Counsel ("GC"), on October 20, 2022.¹ The case was then transferred to Region 28 and, on October 25, the Regional Director of Region 28 ("Region 28 RD") issued an Order Directing Hearing and Notice of Hearing on Challenged Ballots and Objections

¹ All dates hereinafter are in 2022.

("Order"). On October 27, the Employer served the Second Subpoena on the Region 19 RD and the GC.

The First Subpoena is both procedurally and substantively defective; it was served before the Order directing this hearing even issued, and guessed incorrectly at what date the hearing would be held. As such, it is invalid. The Second Petition was timely, but is substantively without merit due to concrete Board law and regulations.

The Subpoenas are substantively identical, containing the same items 1-9, and seeking essentially the entirety of the RC case file, as well as communications with employees and/or the Petitioner. All of information the Employer has requested is protected by § 102.118 of the Board's Rules and Regulations. As a result, the Employer can only subpoena that information if the GC grants it permission to do so. She did not. On October 28, the GC denied the Employer's request, in whole, in the letter attached hereto as Exhibit C.

I. THE PETITION TO REVOKE IS TIMELY

This Petition to Revoke is timely under NLRB Rule § 102.31(b), requiring that it be filed within five business days after the date of service.

The First Subpoena was served prematurely, on October 20, five days before the Region 28 RD issued his Order directing this hearing. It should therefore be quashed as defective on its face. The First Subpoena claimed to rely upon what it called a Tentative Notice of Hearing ("Tentative Notice") setting forth an October 27 hearing date, and requiring production on that same date. However, no such Tentative Notice is known to the RDR.

The only document in the case file with any similarity is the Region 19 RD's October 17 letter acknowledging receipt of the Employer's Objections without ruling on them, a letter attached hereto as Exhibit D. This letter stated that a hearing would be set for "Friday, October 28, 2022 or as soon as practicable thereafter." However, the case was transferred to Region 28 of the NLRB on October 20th and the Order actually directing hearing did not issue until October 25. The actual hearing date was set for November 1.

As such, the First Petition was premature and deficient, in that it anticipated a hearing date that never existed, and could not have been properly tailored to the matters set for hearing because no such hearing had been set. Therefore, there is no way it could have triggered a responsive obligation from the Region 19 RD or his RDR. The earliest possible date that would have started the timeliness clock would have been the date when the Order issued, October 25, which is less than five days ago. To require the RDR to file a Petition to Revoke before knowing if an Order would be set, on what date it would be set, and on what subject matters a hearing might cover, would be a plaintive absurdity.

The Second Subpoena was at least procedurally proper, since it was served on October 27, after the Order had actually issued and the Region 28 RD had determined what subject matters warranted consideration by the Hearing Officer. This Petition to Revoke is undoubtedly timely as to that Second Subpoena, the only one properly before the Hearing Officer.

II. THE EMPLOYER'S SUBPOENAS SEEK DOCUMENTS PROTECTED BY RULE 102.118 AND THE GENERAL COUNSEL HAS DENIED THE EMPLOYER'S REQUEST TO OBTAIN THEM

Simply stated, under Board rule § 102.118(a), an Employer may only request and receive the contents of a Regions' investigative files if it successfully receives permission to do so from the GC. The Employer failed in its endeavor on that front, and for good reason. The Board has a well-established policy against disclosure of witness statements and confidential case file information (except as provided in § 102.118(b)(1) of the Board Rules and Regulations), that has been recognized and upheld by the United States Supreme Court in *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214 (1978).

The Court recognized in *Robbins Tire* that disclosure of witness statements (except as provided in § 102.118(b)(1)) could have a "chilling effect on the Board's [investigatory] sources," since employees "may be reluctant to give statements to NLRB investigators at all, absent assurances that, unless called to testify at a hearing, their statements will be exempt from disclosure until the unfair labor practice charge has been adjudicated." *Id.* at 241. Further the Board's non-disclosure policy extends to the situation where an affiant has given a copy of his or her statement to a Charging Party Union; neither that circumstance nor an employee's personal possession of a copy of the affidavit establishes, "clearly and unmistakably, that the employee has consented to release the affidavit to the opposing side." *H. B. Zachry Co.*, 310 NLRB 1037, 1038 and n.5 (1993).

The Board has extended this broad protection to evidence turned over to the Board by witnesses during an investigation. For example, in *Gallup, Inc.*, 349 NLRB 1213 n.1 (2007), the Board reaffirmed its previous order denying

enforcement of a subpoena served upon a witness to produce any audio or video tape recordings pertaining to the case, where the witness had turned the material over to the Regional Office before being served with a subpoena. The Board held such materials fell within the scope of § 102.118, and any production of those documents had to comport with that rule.

Similarly, the Board has held that requiring a union to provide all information and correspondence between it and a Regional Office would violate the confidentiality that parties enjoy during an investigation. See *Berbiglia, Inc.*, 233 NLRB 1476, 1495 (1977); *Kaiser Aluminum*, 339 NLRB 829 (2003) (sustaining revocation of subpoena for a party's position statements, citing confidentiality interests and policy considerations described in *Robbins Tire & Rubber Co.* and *H.B Zachry*).

III. CONCLUSION

In this case, the Employer filed both an untimely and a timely subpoena. However, both are substantively improper as the Employer unsuccessfully sought the permission of the GC to authorize production of the documents sought in the Subpoenas. Therefore, the Employer is not entitled to discovery of the documents in the General Counsel's case file, and its Subpoenas must be revoked in kind.

Dated at Seattle, Washington, this 31st of October, 2022.

A handwritten signature in cursive script that reads "Kristin White". The signature is written in black ink and is positioned above a horizontal line.

Kristin White
Representative for the Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

From: Jones, Alisa B.
Sent: Tuesday, November 8, 2022 2:42 PM
To: Dmitri Iglitzin; gonzalez@workerlaw.com; White, Kristin E.
Subject: Starbucks Corporation
Attachments: 09031d45838f30f9.pdf

CORRECTION DUE DATE TO EXTENSION OF TIME

Attach is a response to extension of time request.

Dmitri Iglitzin
Marina Multhaup
Kristin White



UNITED STATES GOVERNMENT

OFFICE OF THE EXECUTIVE SECRETARY

NATIONAL LABOR RELATIONS BOARD

1015 Half Street SE

Washington, DC 20570

November 8, 2022

Re: Starbucks Corporation
Case19-RC-295849

EXTENSION OF TIME TO FILE REQUEST FOR REVIEW

The request for an extension of time in the above-referenced case is granted. The due date for the receipt in Washington, D.C. of a Request for Review of the Regional Director's Decision on Certain Objection's is extended to **November 14, 2022**. This extension of time to file requests for review applies to all parties.

/s/ Nelson Carrasco
Associate Executive Secretary

cc: Parties
Region

From: Jones, Alisa B.
Sent: Monday, November 21, 2022 10:55 AM
To: gsfisher@littler.com; adieckman@littler.com; blynch@littler.com; rsaade@littler.com; rhammond@littler.com; multhaup@workerlaw.com; Dmitri Iglitzin; ihayes@hayesdolce.com; Moore, Dawn M.; Dunn, Lisa J
Subject: Starbucks Corporation 19-RC-295849
Attachments: LTR.19-RC-295849.Denying EOT Request.pdf

Attach is a letter from Executive Secretary's Office.

Gregory S. Fisher
Alyson D. Dieckman
Breanne F. Lynch
Renea I. Saade
Ryan P. Hammond
Marina Multhaup,
Dmitri Iglitzin
Ian Hayes
Lisa Dunn
Dawn Moore



United States Government

NATIONAL LABOR RELATIONS BOARD

1015 Half Street, SE

Washington, DC 20570

November 21, 2022

Marina Multhaup
Barnard Iglitzin & Lavitt LLP
18 W Mercer Street
Suite 400
Seattle, WA 98119

Starbucks Corporation
Case 19-RC-295849

DENIAL OF EXTENSION OF TIME TO FILE REQUEST FOR REVIEW

Dear Ms. Multhaup:

This letter is in response to your November 18, 2022 request seeking an extension of time until November 28, 2022 to submit your request for review.

Section 102.2(c) of the Board's Rules and Regulations specifies that "[r]equests for extensions of time filed within 3 days of the due date must be grounded upon circumstances not reasonably foreseeable in advance. Requests for extensions of time must be in writing and must be served simultaneously on the other parties. Parties are encouraged to seek agreement from the other parties for the extension, and to indicate the other parties' position in the extension of time request."

Your request provides no unforeseen circumstances that would justify filing your request within three days of the due date. Moreover, you have not indicated that the other parties agree to the request. Accordingly, your request is denied.

Very truly yours,

/s/ Diane L. Bridge
Counsel

cc: Parties
Region

From: Snook, Dennis
Sent: Tuesday, June 14, 2022 5:25 PM
To: gsfisher@littler.com; adieckman@littler.com; starbucksnlrb@littler.com; blynch@littler.com; rsaade@littler.com; rhammond@littler.com; richard.minter@workers-united.org; Dmitri Iglitzin; Marina Multhaup; white@workerlaw.com; ihayes@hayesdolce.com
Cc: Willmore, Winnie; La, Annette S.; Uomoto, Leila
Subject: STARBUCKS CORPORATION - 19-RC-295849 - RD Decision & Notice of Election
Attachments: DDE.19-RC-295849.Starbucks Seattle 4th Ave.pdf; NEE.19-RC-295849.Starbucks.Notice of Election-Mail Ballot 06-14-2022 .pdf

Greetings:

Attached is the Decision and Direction of Election as well as the Notice of Election in connection with the above-captioned case.

Thanks for your cooperation in this matter.

--Dennis Snook, Office Mgr
--NLRB, Region 19-Seattle

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295849

**WORKERS UNITED
affiliated with SERVICE EMPLOYEES
INTERNATIONAL UNION**

Petitioner

DECISION AND DIRECTION OF ELECTION

Starbucks Corporation (“Employer”) operates retail coffeehouses. On May 13, 2022, Workers United affiliated with Service Employees International Union (“Petitioner”) filed a representation petition seeking to represent approximately 25 employees employed by the Employer at its store located at 4115 4th Avenue S., in Seattle, Washington (“Store”), located in King County.

The appropriateness of the petitioned-for bargaining unit is not in dispute, the only issue in this case is the method of election. On June 2, 2022, the Employer and Petitioner entered into a stipulated record in lieu of a hearing on this matter. Pursuant to the stipulation, the Employer and Petitioner were able to submit written statements regarding their position on the method, date, time, and place of the election ordered. The parties did so, with the Employer maintaining that a manual election held at the Store is mandated by Board precedent and the current realities of the COVID-19 pandemic, and Petitioner contending that a mail ballot election is appropriate.

The Board has delegated its authority in this proceeding to me under §3(b) of the Act. Applying the Board's decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), to the circumstances in the instant case, I am directing a mail ballot election due to the high COVID-19 test positivity rate in King County.

I. METHOD OF ELECTION

A. The COVID-19 Pandemic

The COVID-19 pandemic has had a profound impact on daily life in the United States in the last two years. Despite unprecedented efforts to limit transmission, to date approximately 85

million people in the United States have been infected with COVID-19 and over 1 million people have died.¹

The Centers for Disease Control and Prevention (CDC), has determined “[l]imiting close face-to-face contact with others is the best way to reduce the spread of coronavirus disease 2019 (COVID-19).”² According to the CDC, “[a]ttending events and gatherings increases your risk of getting and spreading COVID-19,”³ Many of the measures recommended by the Federal, state, and local governments to prevent the spread of the virus are well-known at this point: avoid crowds, practice good hygiene, maintain at least a 6-foot distance between individuals, and use masks when around other people.⁴

Because of the risk of infection associated with gatherings and in-person activities, the pandemic has also impacted the way the Board conducts its elections. The Board has traditionally conducted in-person, manual elections and used mail-ballot election in limited circumstances. In 2020, in *Aspirus Keweenaw*, the Board addressed the circumstances where the pandemic may dictate appropriate use of mail-ballot elections. As the pandemic has ebbed and flowed over the years since *Aspirus* the result has been an increase in the use of the mail-ballot procedures. *KMS Commercial Painting, LLC*, 371 NLRB No. 69, slip op. at 1 (2022) (304 mail ballot elections taking place in fiscal year 2022). Mail-ballot procedures have allowed the Board to continue conducting elections even in the face of high COVID-19 transmission rates. As the Board stated in *KMS*, “during the pandemic, the Board's mail ballot procedures have served the Board's mission of ensuring free and fair elections, while also ensuring the health and safety of employees, parties, and Board personnel throughout the election process.” *Id.*

B. Board Standard

Congress has entrusted the Board with a wide degree of discretion in establishing the procedures and safeguards necessary to ensure the fair and free choice of bargaining representatives, and the Board in turn has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas & Elec.*, 325 NLRB 1143, 1144 (1998); citing *Halliburton Services*, 265 NLRB 1154 (1982); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946). This discretion includes the ability to direct a mail-ballot election where appropriate. *San Diego Gas*, 325 NLRB at 1144-45.

The Board’s longstanding policy is that elections should, as a rule, be conducted manually. *National Labor Relations Board Casehandling Manual Part Two Representation Proceedings*, Sec. 11301.2.⁵ However, a Regional Director may reasonably conclude, based on circumstances

¹ CDC, *Covid Data Tracker* (updated June 14, 2022) <https://covid.cdc.gov/covid-data-tracker/#datatracker-home> (last viewed June 14, 2022)

² CDC, *How to Protect Yourself & Others* (updated February 25, 2022) <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last viewed June 14, 2022).

³ *Id.*

⁴ *Id.*

⁵ I note that the provisions of the Casehandling Manual are not binding procedural rules: it is issued by the General Counsel of the National Labor Relations Board (General Counsel) and not the Board and is intended to provide guidance to regional personnel in the handling of representations cases. See *Patient Care*, 360 NLRB 637, 638 (2014), citing *Solvent Services*, 313 NLRB 645, 646 (1994).

tending to make voting in a manual election difficult, to conduct an election by mail ballot. *Id.* This includes a few specific situations addressed by the Board, including where voters are “scattered” over a wide geographic area, “scattered” in time due to employee schedules, in strike situations, or other unspecified extraordinary circumstances. *San Diego Gas*, 325 NLRB at 1145.

After a brief pause in elections early in the pandemic, the Board resumed conducting elections in April 2020, with many Regional Directors, including this Region’s, directing primarily mail-ballot elections in light of the extraordinary circumstances presented by the COVID-19 pandemic. To assist Regional Directors in determining when a manual election could be conducted safely, on July 6, 2020, the General Counsel issued a memorandum titled “Suggested Manual Election Protocols,” *Memorandum GC 20-10*, setting forth detailed suggested manual election protocols.

In *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), the Board addressed how Regional Directors should assess the risks associated with the COVID-19 pandemic when considering the appropriate method of election. In doing so, the Board reaffirmed its long-standing policy favoring manual elections and outlined six situations that suggest the propriety of mail ballots due to the COVID-19 pandemic. Specifically, when one or more of the following situations is present, a Regional Director should consider directing a mail-ballot election:

1. The Agency office tasked with conducting the election is operating under “mandatory telework” status;
2. Either the 14-day trend in number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher;
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size;
4. The employer fails or refuses to commit to abide by *GC Memo 20-10*, “Suggested Manual Election Protocols;”
5. There is a current COVID-19 outbreak at the facility or the employer refuses to disclose and certify its current status; or
6. Other similarly compelling circumstances.

Id. slip op. at 4-7. The existence of one or more of these situations will normally suggest that a mail ballot is appropriate under the “extraordinary circumstances presented by this pandemic.” *Id.* slip op. at 4. The Regional Director has discretion to conduct an election by mail ballot “under the peculiar conditions of each case.” *Id.* slip op. at 3 (citing *National Van Lines*, 120 NLRB at 1346). The Regional Director’s determination to conduct an election manually or by mail is subject to an abuse of discretion standard. *Aspirus*, 370 NLRB No. 45, slip op. at 3 (citing *San Diego Gas & Electric*, 325 NLRB at 1144 n. 4). Finally, in *Aspirus*, the Board noted that a Regional Director who directs a mail-ballot election under one or more of the foregoing six situations will not have abused her or his discretion. *Aspirus*, 370 NLRB No. 45, slip op. at 8.

C. Position of the Parties

The Employer contends that a manual election is appropriate. Specifically, the Employer argues that the Board should abandon its standard under *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), and instead return to the standard under *San Diego Gas & Elec.*, 325 NLRB 1143 (1998), in which case a manual election would be appropriate. The Employer also highlights that manual elections are more accurate and fair, as demonstrated by the numerous elections held throughout the country involving employees of the Employer.

Per the Employer, even assuming the *Aspirus Keweenaw* test applies, a manual election is appropriate as the Region is not subject to a mandatory telework order, there are no government orders restricting gathering, the Employer agrees to abide by the necessary protocols, there is no current outbreak at the Store, and King County is experiencing a decrease in cases. The Employer did not address the test positivity rate in its brief.

Petitioner argues on brief that a mail ballot is appropriate because test positivity rate in King County is far above the five percent threshold by the Board in *Aspirus Keweenaw*.

D. Determination

I conclude that a mail-ballot election is appropriate based on the COVID-19 test positivity rate in King County, the county where the Store is located.

Several of the *Aspirus* factors are not relevant to my determination in this case. As the Employer contends, the Region tasked with conducting the election is not operating under mandatory telework status, mandatory state or local health orders relating to maximum gathering size are not at issue, the Employer has committed to abide by *Memorandum GC 20-10*, and there is no evidence of a current outbreak at the Store. The only factor I find requires a detailed analysis is the remaining factor: whether the 14-day trend in number of new confirmed cases in the county where the Store is located is increasing, or the 14-day testing positivity rate is 5 percent or higher.

The Board in *Aspirus* directed Regional Directors to, in considering these statistical factors, utilize the data published by Johns Hopkins University, or from official state or local government sources. The Board further stated where county level data is not available, Regional Directors should look to state level data.

The first contingency at issue here is whether the 14-day trend in number of new confirmed cases in the county where the Store is located is increasing. King County publishes COVID-19 data on Monday, Wednesday, and Friday.⁶ This reporting frequency is reflected in the data published by Johns Hopkins, with non-reporting days reflecting a “0” as a null value, not an indication of zero cases. As of June 14, 2022, the Johns Hopkins University & Medicine Coronavirus Resource Center reports a -13-day case count, the data point closest in time to -14, in King County of 4,189 cases and a -1 day case count of 2,777 cases, a decrease.⁷ The data from the

⁶ <https://kingcounty.gov/depts/health/covid-19/data/summary-dashboard.aspx> (last viewed June 14, 2022).

⁷ <https://bao.arcgis.com/covid-19/jhu/county/53033.html> (last viewed June 14, 2022).

intervening dates also demonstrate a slight decrease of cases, with an average of 3,871 cases. Taken together, I find this data reflects a decreasing trend in King County.

Regarding the second contingency, whether the 14-day testing positivity rate in King County is 5 percent or higher, King County reports positivity rate on a 7-day testing positivity rate.⁸ As of June 14, 2022, King County reports a 7-day average of 18.6 percent for the 7-day period ending on June 5, the most recent reporting date. Seven days prior to June 5, on May 29, the 7-day average was 17.8 percent. Taken together, this data demonstrates the testing positivity rate has been above 5 percent in King County during the most recent 14-day period for which data is available.

Aspirus directs that a mail ballot election may be appropriate where either one of the two contingencies described above are met. As I find the test positivity rate in King County is above the Board's 5 percent threshold, and I conclude that this is a sufficient basis to order a mail ballot election consistent with *Aspirus*. To the extent the Employer argues that the Board should abandon its test from *Aspirus* and that manual elections are more accurate and fair, these are arguments best directed to the Board. I am obligated to apply the Board's decisions, and I have done so here in directing a mail ballot election.

II. CONCLUSION

Based on the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.⁹
2. The labor organization involved claims to represent certain employees of the Employer.
3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of §9(c)(1) and §2(6) and (7) of the Act.
4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of §9(b) of the Act:

INCLUDED: All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 4115 4th Ave. S., Seattle, Washington.

⁸ "PCR Test Positivity," <https://kingcounty.gov/depts/health/covid-19/data/summary-dashboard.aspx> (last viewed June 14, 2022)

⁹ The parties stipulated to the following commerce facts:

The Employer, a Washington corporation with an office and place of business located in Seattle, Washington, is engaged in the business of operating a retail coffeehouse. The Employer derived gross revenues in excess of \$500,000 and purchased and received at its facility within the State of Washington goods valued in excess of \$50,000 directly from suppliers outside the State of Washington.

EXCLUDED: All store managers, assistant store managers, office clerical employees, confidential employees, managerial employees, professional employees, and guards and supervisors as defined in the Act.

There are about 25 employees in the unit.

III. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by **Workers United affiliated with Service Employees International Union**.

A. Election Details

The election will be conducted by mail. On **Wednesday, June 29, 2022**, the ballots will be mailed to voters by a designated official from the National Labor Relations Board, Region 19. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Wednesday, July 6, 2022**, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at **206-220-6300** or our national toll-free line at **1-866-667-NLRB (1-866-667-6572)**.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 19 office by **2:00 p.m. on Wednesday, July 20, 2022**. All ballots will be commingled and counted by an agent of Region 19 of the National Labor Relations Board on **Wednesday, July 20, 2022, at 2:00 p.m.** with participants being present via electronic means. No party may make a video or audio recording or save any image of the ballot count. If, at a later date, it is determined that a ballot count can be safely held in the Regional Office, the Region will inform the parties with sufficient notice so that they may attend.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending June 5, 2022, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well

as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote by mail as directed above.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Thursday, June 16, 2022**. The list must be accompanied by a certificate of service showing service on all parties.¹⁰ **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

¹⁰ Petitioner did not waive its 10 days with the voter eligibility list as part of the stipulated record.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

IV. RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board. If a request for review of a pre-election decision and direction of election is filed within 10 business days after issuance of the decision and if the Board has not already ruled on the request and therefore the issue under

Starbucks Corp.
19-RC-295849

review remains unresolved, all ballots will be impounded. Nonetheless, parties retain the right to file a request for review at any subsequent time until 10 business days following final disposition of the proceeding, but without automatic impoundment of ballots.

Dated at Seattle, Washington on the 14th day of June 2022.

Ronald K. Hooks

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 Second Ave., Suite 4948
Seattle, Washington 98174



United States of America
National Labor Relations Board
NOTICE OF ELECTION



19-RC-295849

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. In a mail ballot election, employees are eligible if they are in the VOTING UNIT during both the designated payroll period and on the date they mail in their ballots. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election, or, in a mail ballot election, before the date they mail in their ballots, are not eligible to vote.

CHALLENGE OF VOTERS: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

METHOD AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 4:45 p.m. on Wednesday, June 29, 2022, ballots will be mailed to voters from the National Labor Relations Board, Region 19. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Wednesday, July 6, 2022, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at (206)220-6300 or our national toll-free line at 1-844- 762-NLRB (1-844- 762-6572).

All ballots will be commingled and counted by a designated Board Agent of the National Labor Relations Board at 2:00 p.m. on Wednesday, July 20, 2022, likely via a videoconference to be arranged by Region 19. In order to be valid and counted, the returned ballots must be received in the Region 19 Office, 2948 Jackson Federal Building, 915 Second Ave, Seattle, WA 98174-1009 by 2:00 p.m. on Wednesday, July 20, 2022.



**United States of America
National Labor Relations Board
NOTICE OF ELECTION**





VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 4115 4th Ave. S., Seattle, Washington who were employed during the payroll period ending June 5, 2022.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All store managers, assistant store managers, office clerical employees, confidential employees, managerial employees, professional employees, and guards and supervisors as defined in the Act.

	UNITED STATES OF AMERICA National Labor Relations Board 19-RC-295849	
OFFICIAL SECRET BALLOT For certain employees of STARBUCKS CORPORATION		
Do you wish to be represented for purposes of collective bargaining by WORKERS UNITED AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION?		
MARK AN "X" IN THE SQUARE OF YOUR CHOICE		
YES <input type="checkbox"/>	<i>Sample</i>	NO <input type="checkbox"/>
DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY. If you make markings inside, or anywhere around, more than one square, you may request a new ballot by referring to the enclosed instructions. If you submit a ballot with markings inside, or anywhere around, more than one square, your ballot will not be counted.		
<small>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</small>		



United States of America
National Labor Relations Board
NOTICE OF ELECTION



RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (206)220-6300 or visit the NLRB website www.nlr.gov for assistance.

United States of America
National Labor Relations Board

**Instructions to Eligible Employees Voting
By United States Mail**



INSTRUCTIONS

1. MARK YOUR BALLOT IN SECRET BY PLACING AN X IN THE APPROPRIATE BOX. DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD REVEAL YOUR IDENTITY.
2. IF YOU SUBMIT A BALLOT WITH MARKINGS INSIDE, OR ANYWHERE AROUND, MORE THAN ONE SQUARE, YOUR BALLOT WILL NOT BE COUNTED. YOU MAY REQUEST A NEW BALLOT BY CALLING THE REGIONAL OFFICE AT THE NUMBER BELOW.
3. IT IS IMPORTANT TO MAINTAIN THE SECRECY OF YOUR BALLOT. DO NOT SHOW YOUR BALLOT TO ANYONE AFTER YOU HAVE MARKED IT.
4. PUT YOUR BALLOT IN THE BLUE ENVELOPE AND SEAL THE ENVELOPE.
5. PUT THE BLUE ENVELOPE CONTAINING THE BALLOT INTO THE YELLOW ADDRESSED RETURN ENVELOPE.
6. SIGN THE BACK OF THE YELLOW RETURN ENVELOPE IN THE SPACE PROVIDED. TO BE COUNTED, THE YELLOW RETURN ENVELOPE MUST BE SIGNED.
7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.
8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY. For further information, call the Regional Office at: 206-220-6300

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE

BY **2:00 p.m. on Wednesday, July 20, 2022**

RIGHTS OF EMPLOYEES

Under the National Labor Relations Act, employees have the right:

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of their own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for non representational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both employers and unions to know what is expected of them when it holds an election.

If agents of either unions or employers interfere with your right to a free, fair, and honest election, the election can be set aside by the Board. Where appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in the setting aside of the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes.

The National Labor Relations Board protects your right to a free choice

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law. The National Labor Relations Board as an agency of the United States Government does not endorse any choice in the election.



NATIONAL LABOR RELATIONS BOARD
an agency of the
UNITED STATES GOVERNMENT

From: Moore, Dawn M.
Sent: Wednesday, November 16, 2022 5:50 PM
To: blynch@littler.com; adieckman@littler.com; rhammond@littler.com; rsaade@littler.com; gsfisher@littler.com; multhaupt@workerlaw.com; iglitzin@workerlaw.com; ihayes@hayesdolce.com; richard.minter@workers-united.org
Subject: Starbucks Corporation / Case 19-RC-295849
Attachments: HOR.19-RC-295849.Hearing Officers Report on Challenges and Objections.pdf

Please see the attached Hearing Officer's Report on Challenges and Objections in the above subject matter.

Thank you,

Dawn M. Moore

Program Support Assistant

NLRB Region 28 – Las Vegas Resident Office / Foley Federal Courthouse Building

300 Las Vegas Boulevard South, Suite 2-901, Las Vegas, NV 89101-5833

Direct Telephone: (702) 820-7466 / Fax: (702) 388-6248

Office Main Telephone # (702) 388-6416



NATIONAL LABOR
RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295849

**WORKERS UNITED affiliated with SERVICE
EMPLOYEES INTERNATIONAL UNION**

Petitioner

HEARING OFFICER’S REPORT ON CHALLENGES AND OBJECTIONS

At issue in this post-election hearing are two challenges and two objections made by Starbucks Corporation (the Employer) regarding a mail ballot election conducted for its store located at 4115 4th Avenue S., in Seattle, Washington (4th & Diagonal store). With respect to the two challenges, the Employer challenged the mail ballots cast by Dan Kavanaugh (Kavanaugh) and Jessica Perez (Perez) because Kavanaugh’s and Perez’s signed and sealed mail ballot envelopes contained no postmarks.

As for the Employer’s two objections, Objection 1 contends that Region 19 engaged in objectionable conduct by allowing voters to vote in person, rather than by mail. Objection 2 asserts that Workers United affiliated with Service Employees International Union (Petitioner) engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail.

After conducting a hearing via the Zoom for Government platform and carefully reviewing the evidence and arguments made by the parties, I conclude that the Employer’s challenges and objections should be overruled in their entirety. The Employer has not met its burden to establish that the two challenged ballots should not be opened and counted, nor has it met its burden to establish that Region 19, Petitioner, or any third parties have engaged in objectionable conduct affecting the results of the election.

I. PROCEDURAL HISTORY

Based on a petition filed on May 13, 2022,¹ and pursuant to a Decision and Direction of Election (DDE), ballots were mailed to employees on Wednesday, June 29, to be returned by no later than 2:00 p.m. on Wednesday, July 20, to determine whether a unit of employees of the Employer wish to be represented for purposes of collective bargaining by Petitioner.

¹ All dates refer to 2022, unless otherwise indicated.

That voting unit consists of:

INCLUDED: All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 4115 4th Ave. S., Seattle, Washington.

EXCLUDED: All store managers, assistant store managers, office clerical employees, confidential employees, managerial employees, professional employees, and guards and supervisors as defined in the Act.

On October 6, the ballots were counted and a tally of ballots was provided to the parties. The tally of ballots shows that four (4) ballots were cast for the Petitioner, and that four (4) ballots were cast against representation. The Employer challenged two (2) ballots, a sufficient number to affect the results of the election. On October 14, the Employer timely filed objections.

On October 20, the General Counsel of the National Labor Relations Board (the Board) transferred the case from Region 19 to Region 28 for further proceedings on the challenged ballots and the Employer's objections.

On October 25, the Regional Director for Region 28 (Regional Director) ordered that a hearing be conducted to give the parties an opportunity to present evidence regarding the Employer's two challenged ballots and the Employer's Objections 1 and 2. As the hearing officer designated to conduct the hearing and to recommend to the Board whether the Employer's challenges and Objections 1 and 2 are warranted, I heard testimony and received into evidence relevant documents on November 1. The Employer and Petitioner each filed post-hearing briefs, which were fully considered.²

The Order Directing Hearing in this matter instructs me to resolve the credibility of witnesses testifying at the hearing and to make findings of fact. Unless otherwise specified, my summary of the record evidence is a composite of the testimony of all witnesses, including in particular testimony by witnesses that is consistent with one another, with documentary evidence, or with undisputed evidence, as well as testimony that is uncontested. Omitted testimony or evidence is either irrelevant or cumulative. Credibility resolutions are based on my observations of the testimony and demeanor of witnesses and are more fully discussed within the context of my discussion of the challenged ballots related to the witnesses' testimony.

² During the hearing, the Employer verbally requested to stay the hearing to await the receipt of certain documents it requested from the Board's Freedom of Information Act (FOIA) Branch. On the record during the hearing, I denied the Employer's verbal motion, as it did not constitute extraordinary circumstance warranting continuing the hearing on consecutive days as set forth in the Regional Director's Order Directing Hearing and Notice of Hearing on Challenged Ballots and Objections. See 102.69(c)(1)(ii) of the Board's Rules and Regulations. Further, during the hearing, I notified the parties on the record that during off-the-record consultations with the Regional Director, the Regional Director determined that the Employer's verbal motion to stay the proceedings pending the Employer's receipt of certain requested documents from the Board's FOIA Branch did not constitute extraordinary circumstances warranting a stay of the instant proceeding. *Id.* The Employer renewed its motion to stay in its post-hearing brief and I recommend that the Regional Director deny the Employer's motion on the same grounds. *Id.*

II. THE BURDEN OF PROOF AND THE BOARD'S LEGAL STANDARDS FOR SETTING ASIDE ELECTIONS

A. Burden of Proof on Parties Seeking to Have Board Election Set Aside

It is well settled that: "Representation elections are not lightly set aside. There is a strong presumption that ballots cast under specific NLRB procedural safeguards reflect the true desires of the employees." *Lockheed Martin Skunk Works*, 331 NLRB 852, 854 (2000), quoting *NLRB v. Hood Furniture Co.*, 941 F.2d 325, 328 (5th Cir. 1991) (internal citation omitted). Therefore, "the burden of proof on parties seeking to have a Board-supervised election set aside is a heavy one." *Delta Brands, Inc.*, 344 NLRB 252, 253, (2005), citing *Kux Mfg. Co. v. NLRB*, 890 F.2d 804, 808 (6th Cir. 1989).

B. Burden of Proof for Challenges

The burden of proof rests on the party seeking to exclude a challenged individual from voting. *Sweetener Supply Corp.*, 349 NLRB 1122 (2007), citing *Golden Fan Inn*, 281 NLRB 226, 230 fn. 24 (1986). Thus, the Employer has the burden to establish that the two challenged ballots should not be counted.

C. Standards for Determining Whether Conduct by the Board, a Party, or a Non-Party Warrants Setting Aside a Board Election

1. Standard for Objection 1 Alleging Objectionable Conduct by Region 19

To meet its burden of establishing that an election should be set aside an election based on Board agent misconduct or Regional Office procedural irregularities, the objecting party must show that there is evidence that "raises a reasonable doubt as to the fairness and validity of the election." *Durham School Services, LP*, 360 NLRB 851, 853 (2014), enfd. 821 F.3d 52 (D.C. Cir. 2016), citing *Polymers, Inc.*, 174 NLRB 282, 282 (1969), enfd. 414 F.2d 999 (2d Cir. 1969), cert. denied 396 U.S. 1010 (1970); see also *Physicians & Surgeons Ambulance Service*, 356 NLRB 199, 199 (2012), enfd. 477 Fed.Appx. 743 (D.C. Cir. 2012).

The Board has also stated that an election must be set aside "when the conduct of the Board election agent tends to destroy confidence in the Board's election process or could reasonably be interpreted as impairing the election standards the Board seeks to maintain." *Sonoma Health Care Center*, 342 NLRB 933, 933 (2004); see also *Athbro Precision Engineering Corp.*, 166 NLRB 966, 966 (1967), vacated sub nom. *Electrical Workers v. NLRB*, 67 LRRM 2361 (D.C. Cir. 1968), acquiescing in district court's order on remand as "the law of this case," 171 NLRB 21 (1968), enfd. 423 F.2d 573 (1st Cir. 1970).

There are no absolute guidelines, however, as stated in *Polymers, Inc.*, 174 NLRB at 282:

Election procedures prescribed by the General Counsel or a Regional Director are obviously intended to indicate to field personnel those safeguards of accuracy and security thought to be optimal in typical election situations. These desired practices may not always be met to the letter, sometimes through neglect, sometimes because of the exigencies of circumstance. The question which the Board must decide in each case in which there is a challenge to conduct of the election is whether the manner in which the election was conducted raises a reasonable doubt as to the fairness and validity of the election.

Thus, an objection relating to the integrity of the election process requires an assessment of whether the facts indicate that “a reasonable possibility of irregularity inhered” in the conduct of the election. *Peoples Drug Stores, Inc.*, 202 NLRB 1145, 1145 (1973) Board examined the theoretical possibility as against the improbabilities of the factual circumstances).

The Board also pointed out in *Polymers, Inc.*, 174 NLRB at 282–283, that, in a given case, even literal compliance with all of the rules, regulations, and guidelines would not satisfy the Board that the integrity of the election was not compromised. Conversely, the failure to achieve absolute compliance with these rules does not necessarily require that a new election be ordered, “although, of course, deviation from standards formulated by experts for the guidance of those conducting elections will be given appropriate weight in our determination.” *Id.*

2. Standard for Objection 2 Alleging Objectionable Conduct by the Petitioner

To prevail based on alleged party conduct, the objecting party must establish facts raising a “reasonable doubt as to the fairness and validity of the election.” *Patient Care*, 360 NLRB 637, 637 (2014), citing *Polymers, Inc.*, 174 NLRB at 282. Moreover, to meet its burden, the objecting party must show that the conduct in question affected employees in the voting unit. *Avante at Boca Raton*, 323 NLRB 555, 560 (1997) (overruling employer’s objection where no evidence that unit employees knew of the alleged coercive conduct).

In determining whether to set aside an election, the Board applies an objective test. The test is whether the conduct of a party has “the tendency to interfere with employees’ freedom of choice.” *Cambridge Tool & Mfg. Co., Inc.*, 316 NLRB 716 (1995). Thus, under the Board’s test the issue is not whether a party’s conduct in fact coerced employees, but whether the party’s misconduct reasonably tended to interfere with the employees’ free and uncoerced choice in the election. *Baja’s Place*, 268 NLRB 868, 868 (1984); see also, *Pearson Education, Inc.*, 336 NLRB 979, 983 (2001), citing *Amalgamated Clothing Workers v. NLRB*, 441 F.2d 1027, 1031 (D.C. Cir. 1970).

In determining whether a party’s conduct has the tendency to interfere with employee free choice, the Board considers a number of factors: (1) the number of incidents; (2) the severity of the incidents and whether they were likely to cause fear among employees in the voting unit; (3) the number of employees in the voting unit who were subjected to the

misconduct; (4) the proximity of the misconduct to the date of the election; (5) the degree to which the misconduct persists in the minds of employees in the voting unit; (6) the extent of dissemination of the misconduct to employees who were not subjected to the misconduct but who are in the voting unit; (7) the effect (if any) of any misconduct by the non-objecting party to cancel out the effects of the misconduct alleged in the objection; (8) the closeness of the vote; and (9) the degree to which the misconduct can be attributed to the party against whom objections are filed. *Taylor Wharton Division*, 336 NLRB 157, 158 (2001), citing *Avis Rent-a-Car*, 280 NLRB 580, 581 (1986).

3. Legal Standard for Alleged Third-Party Misconduct

Where misconduct is not attributed to parties but is rather attributable to third parties, the Board will overturn an election only if the misconduct is “so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible.” *Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984); *MasTec DirectTV*, 356 NLRB 809, 810 (2011); *U.S. Electrical Motors*, 261 NLRB 1343, 1344 fn. 5 (1982); *Phoenix Mechanical*, 303 NLRB 888, 888 (1991); *O’Brien Memorial*, 310 NLRB 943, 943 fn. 1 (1993); *Lamar Advertising of Janesville*, 340 NLRB 979, 980 (2003); *Duralam, Inc.*, 284 NLRB 1419, 1419 (1987).

The standard for third-party conduct is more difficult to meet than the standards ordinarily applied to party conduct. In this regard, the Board has held that it “accords less weight to such [third-party] conduct than to conduct of the parties.” *Orleans Mfg. Co.*, 120 NLRB 630, 633 (1958); *Dunham’s Athleisure Corp.*, 315 NLRB 689 (1994). The explanation for this is that the Board believes that the conduct of third parties tends to have less effect upon the voters than similar conduct attributable to the employer who has, or the union which seeks, control over the employees’ working conditions. *Orleans Mfg. Co.*, 120 NLRB 630, 633 (1958); see also *Owens-Corning Fiberglas Corp.*, 179 NLRB 219, 223 (1969); *MasTec DirectTV*, 356 NLRB at 811.

Further, the Board recognizes that because unions and employers cannot control non-agents, “the equities militate against setting aside elections on the basis of conduct by third parties.” *Lamar Advertising of Janesville*, 340 NLRB 979, 980 (2003). The fact that third party conduct creates confusion is not sufficient to meet the third-party standard. See *Phoenix Mechanical*, 303 NLRB at 888 (misleading comment by employee not basis for setting election aside).

III. THE BOARD’S STANDARD FOR ESTABLISHING AGENCY STATUS

A. Standard for Establishing Agency Status

The burden of proving an agency relationship rests with the party asserting its existence, both as to the existence of the relationship and as to the nature and extent of the agent’s authority. *Millard Processing Services*, 304 NLRB 770, 771 (1991); *Sunset Line & Twine Co.*, 79 NLRB 1487, 1508 (1948). The agency relationship must be established with regard to the specific conduct that is alleged to be unlawful. *Pan-Oston Co.*, 336 NLRB 305, 306 (2001). An

individual can be a party's agent if the individual has either actual or apparent authority to act on behalf of the party.

Agency is not established merely on the basis that employees are engaged in "vocal and active union support." *United Builders Supply Co.*, 287 NLRB 1364, 1365 (1988); see also *Tuf-Flex Glass v. NLRB*, 715 F.2d 291, 296 (7th Cir. 1983). Attending organizing meetings or soliciting cards on behalf of a union do not, standing alone, render employees agents of a union. *Health Care and Retirement Corporation of America v. N.L.R.B.*, 255 F.3d 276 (6th Cir. 2000). Employee members of an in-plant organizing committee are not, simply by virtue of such membership, agents of the Union. *Advance Products. Corp.*, 304 NLRB 436 (1991); *Health Care and Retirement Corporation of America v. N.L.R.B.*, 255 F.3d 276 (6th Cir. 2000).

B. Recommendation regarding Kavanaugh's Agency Status for Objection 2

As further discussed below, because I conclude that Kavanaugh, whom the Employer contends engaged in the alleged objectionable conduct asserted at Objection 2, is not an agent of the Petitioner, the alleged objectionable conduct at Objection 2 is not attributable to the Petitioner.

It is undisputed that Kavanaugh is a bargaining unit employee eligible to vote in the election and that Kavanaugh cast his mail ballot in the election. However, Kavanaugh's mail ballot was challenged by the Employer solely on the basis that Kavanaugh's signed and sealed mail ballot envelope did not contain a postmark.

Kavanaugh uncontroverted testimony is that he has no role on behalf of Petitioner, nor is he employed by Petitioner. I credit Kavanaugh's uncontroverted testimony that the Petitioner did not instruct him to communicate with his fellow eligible voters by text message or any other means about the methods available to ensure timely receipt of their mail ballots at the Region 19 office. In sum, the Employer has failed to meet its burden to present record evidence to establish that Kavanaugh is an agent of Petitioner, having either actual or apparent authority to act on behalf of Petitioner.

Based on the foregoing and the record as a whole, I conclude that the Employer, who bears the burden of proof, has failed to establish that employees could reasonably conclude that Kavanaugh was acting on behalf of the Petitioner when he engaged in the conduct alleged to be objectionable at Objection 2. Therefore, I examine the alleged objectionable conduct at Objection 2 using the Board's standard for third-party conduct. *Cornell Forge Co.*, 339 NLRB 733 (2003).

IV. THE EMPLOYER'S CHALLENGES AND MY RECOMMENDATIONS

A. Mail Ballot Envelopes Do Not Require Postmarks

The Employer challenged the mail ballots cast by Kavanaugh and Perez because Kavanaugh's and Perez's signed and sealed mail ballot envelopes contained no postmarks. As a threshold matter, the lack of postmarks on returned signed and sealed mail ballot envelopes does

not constitute conclusive evidence that mail ballots were not submitted by mail. Section 1-1.3 of the United States Postal Service's Handbook PO-408 – Area Mail Processing Guidelines, states as follows regarding the use of its postmarks:³

A postmark is an official Postal Service imprint applied in black ink on the address side of a stamped mailpiece. A postmark indicates the location and date the Postal Service accepted custody of a mailpiece, and it cancels affixed postage. Since 1979, the Postal Service's Postal Operations Manual (POM) has provided standards for postmarks applied to single-piece First-Class Mail. Letters and flats that need to be postmarked come from carrier pick-up, collection boxes, retail counters, or lobby drop boxes. **Postmarks are not required for mailing bearing a permit, meter, or precanceled stamp for postage, nor to pieces with an indicia applied by various postage evidencing systems.** (Emphasis added).

As the outer mail ballot envelopes utilized by the Region in conducting mail ballot elections fall into the bolded category above for which postmarks are not required, the lack of a postmark on any particular ballot is not dispositive as to whether the individual submitted the ballot by mail.

B. Perez and Kavanaugh Hand-Delivered Their Signed and Sealed Mail Ballot Envelopes at the Region 19 Office

Both Perez and Kavanaugh testified that, while alone at their respective homes, they each filled out their mail ballots, placed their marked mail ballots inside of their mail ballot envelopes, maintaining the secrecy of their marked mail ballots, and signed and sealed their mail ballot envelopes. There is no record evidence to establish that the secrecy of their ballots was compromised in any way.

Perez testified that on the last day to timely return her mail ballot, before the 2:00 p.m. deadline on Wednesday, July 20, she asked her boyfriend to hand-deliver her sealed and signed mail ballot envelope to the Region 19 office. Perez's boyfriend informed her that at an unspecified time before 2:00 p.m. on Wednesday, July 20, he hand-delivered Perez's signed and sealed mail ballot envelope inside the drop box located at the Region 19 office and did not communicate with any individuals while present at the Region 19 office.

I credit Perez's testimony that she did not communicate with Region 19 regarding returning her mail ballot to the Region 19 office. Perez testified that she became aware of the option to hand deliver her signed and sealed mail ballot envelope at the Region 19 office from a group text message she received from an eligible voter later identified in the record as Kavanaugh (group text), discussed below. *Employer Exhibit 1*.

With respect to the return of Kavanaugh's mail ballot, Kavanaugh testified that on the morning of Wednesday, July 20, he walked to the Region 19 office, rang the doorbell at the

³ https://about.usps.com/handbooks/po408/ch1_003.htm (last accessed November 15).

entrance of the Region 19 office, and hand-delivered his signed and sealed mail ballot envelope to an unidentified female Region 19 employee who took the signed and sealed mail ballot envelope and then provided him with a photocopy of the front and back of his signed and sealed mail ballot envelope.

C. It is Permissible for Eligible Voters to Hand Deliver their Signed and Sealed Mail Ballot Envelopes at the Regional Office conducting the Mail Ballot Election

It was permissible for Perez and Kavanaugh to hand-deliver their signed and sealed mail ballots to the Region 19 office. The DDE states, “Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 19 office by **2:00 p.m. on Wednesday, July 20, 2022.**” (emphasis in original). The DDE did not specify the manner in which employees were required to return their ballots and did not preclude an employee from hand-delivering a signed and sealed mail ballot envelope to the Region 19 office.

The eligible voters were also provided with written instructions to properly complete and return the signed and sealed mail ballot envelope. *Joint Exhibit 5*. The following were included in these written instructions:

[***]

7. DO NOT PERMIT ANY PARTY – THE EMPLOYER, THE UNION(S), OR THEIR REPRESENTATIVES, OR AN EMPLOYEE-PETITIONER – TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.

8. MAIL THE BALLOT IMMEDIATELY. NO POSTAGE IS NECESSARY.

For further information, call the Regional Office at: 206-220-6300

TO BE COUNTED, YOUR BALLOT MUST REACH THE REGIONAL OFFICE BY 2:00 p.m. on Wednesday, July 20, 2022

Although Instruction Number 8 directs eligible voters to “MAIL THE BALLOT IMMEDIATELY,” as noted above, the DDE simply states that the mail ballots must be *received* at the Region 19 office by the deadline and the final instruction bolded above similarly indicates that the mail ballots *must reach* the Region 19 office by the deadline. Thus, based on the plain meaning of the DDE and the final instruction bolded above, eligible voters were not precluded from hand-delivering their signed and sealed mail ballot envelopes at the Region 19 office by the deadline.

In *Brink’s Armored Car, Inc.*, 278 NLRB 141, 141 (1986), the Board noted that appropriate methods for the Regional office to *deliver* mail ballot kits *to eligible voters* included “[t]he normal presumption of accurate mail delivery or, alternatively, delivery in person at a Regional Office to a voter with proper identification...” *Id.* Similarly, both methods of eligible voters *returning* signed and sealed mail ballot envelopes either by mail or by hand delivery *to the Regional office* to ensure timely receipt, are appropriate. See *In re Gen. Chem. Co.*, 53 NLRB 1457, 1464 (1943).

I note that Instruction Number 7 directs eligible voters, “DO NOT PERMIT ANY PARTY...TO HANDLE, COLLECT, OR MAIL YOUR BALLOT.” There is no record evidence to support that any *party*, either the Petitioner or the Employer, or any party representative or agent, handled, collected, or mailed any ballot, as prohibited by Instruction 7. Rather, Perez testified that she asked her boyfriend, a non-party who is not employed by the Employer and had no further involvement with respect to this petition in any way, to simply hand-deliver her signed and sealed mail ballot envelope to the Region 19 office. Perez’s boyfriend deposited Perez’s signed and sealed mail ballot inside the drop box located at the entrance of the Region 19 office, without any communication with anyone at the Region 19 office.

There is no record evidence showing that anyone other than Perez herself handled, marked, or saw Perez’s completed mail ballot inside of her signed and sealed mail ballot envelope. Thus, there is no record evidence that the secrecy of Perez’s mail ballot was compromised in any way. Rather, the record reflects Perez’s boyfriend simply hand-delivered her signed and sealed mail ballot envelope to the drop box located at the entrance of the Region 19 office to ensure timely delivery of Perez’s mail ballot.

D. CONCLUSION FOR CHALLENGED BALLOTS

Based on the foregoing and the record as a whole, I recommend that the Employer’s challenges to the ballots of Jessica Perez and Dan Kavanaugh due to the lack of postmarks on their signed and sealed mail ballot envelopes be overruled, and that both challenged ballots be promptly opened and counted.

V. THE EMPLOYER’S OBJECTIONS AND MY RECOMMENDATIONS

- A. Objection 1: Region 19 personnel engaged in election misconduct by failing to adhere to the DDE by allowing voters to vote in person, rather than by mail. Based upon information and belief, the Region 19 personnel communicated with [Petitioner] *ex parte* to arrange for such special voting procedures that failed to adhere to the DDE [footnote omitted].**

1. Record Evidence

The Employer’s Objection 1 alleges objectionable conduct by Region 19. The Employer failed to meet its burden to establish any record evidence in support of Objection 1. Rather, as summarized above with respect to both challenged ballots at issue in this proceeding, the record reflects that, while alone at their respective homes, Perez and Kavanaugh each individually chose to mark their mail ballots and seal and sign their mail ballot envelopes. There is no record evidence indicating that the secrecy of Perez’s and Kavanaugh’s mail ballots was compromised in any way.

With respect to the return of their mail ballots, Perez asked her boyfriend, a non-party who is not employed by the Employer and had no further involvement with respect to this petition in any way, to hand-deliver her signed and sealed ballot to the Region 19 office before the deadline. Kavanagh walked to the Region 19 office during the morning on the date that mail ballots were due and timely hand-delivered his ballot to an unidentified female Region 19 employee. The record reflects that both Perez's and Kavanagh's ballots were timely received by Region 19, were appropriately commingled with the rest of the returned mail ballot envelopes, were shown to the parties at the ballot count, and were both challenged by the Employer on the basis that their mail ballot envelopes lacked postmarks as discussed above.

In sum, the Employer failed to meet its burden to establish that Region 19 had any role whatsoever in Perez's individual choice for her boyfriend to hand-deliver her signed and sealed mail ballot envelope to the Region 19 office, to ensure timely receipt before the deadline, as the record reflects that Perez's boyfriend merely dropped Perez's signed and sealed ballot in the drop box located inside the entrance of the Region 19 office. Indeed, Perez testified that she did not have any communication with the Region 19 office about returning her mail ballot.

Likewise, the Employer failed to meet its burden to establish that Perez or Kavanagh are agents of Petitioner, having either actual or apparent authority to act on behalf of Petitioner.

2. Board Law

To meet its burden of establishing that an election should be set aside an election based on Board agent misconduct or Regional Office procedural irregularities, the objecting party must show that there is evidence that "raises a reasonable doubt as to the fairness and validity of the election." *Durham School Services, LP*, 360 NLRB 851, 853 (2014), enfd. 821 F.3d 52 (D.C. Cir. 2016), citing *Polymers, Inc.*, 174 NLRB 282, 282 (1969), enfd. 414 F.2d 999 (2d Cir. 1969), cert. denied 396 U.S. 1010 (1970).

Where misconduct is not attributed to parties but is rather attributable to third parties, the Board will overturn an election only if the misconduct is "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *Westwood Horizons Hotel*, 270 NLRB. 802, 803 (1984).

3. Recommendation

The Employer failed to meet its burden to establish that "Region 19 personnel engaged in election misconduct by failing to adhere to the DDE by allowing voters to vote in person, rather than by mail." The record contains *no* evidence to support the Employer's bare assertion that Region 19 personnel engaged in *any* election misconduct or failed to adhere to the DDE by allowing voters to vote in-person rather than by mail. Accordingly, the Employer failed to meet its burden to establish that the election should be set aside based on any Region 19 misconduct or procedural irregularities that raise "a reasonable doubt as to the fairness and validity of the election." *Durham School Services, LP*, 360 NLRB 851, 853 (2014), enfd. 821 F.3d 52 (D.C. Cir. 2016).

To the contrary, the record shows that, while alone at their respective homes, the two challenged voters, Perez and Kavanagh, each individually marked their mail ballots and signed and sealed their mail ballot envelopes. There is no record evidence to establish that the secrecy of their mail ballots was compromised in any way. Further, the record reflects that Perez and Kavanagh each individually chose to hand deliver their signed and sealed mail ballots to the Region 19 office rather than returning their mail ballots by mail, to ensure timely receipt by the deadline to be counted at the ballot count.

Since the Employer failed to meet its burden to establish that Perez or Kavanagh are agents of Petitioner, having either actual or apparent authority to act on behalf of Petitioner, the proper standard to apply to the record evidence for Objection 1 is the standard attributable to third parties. Accordingly, the Employer has failed to meet its burden to establish that Perez's and Kavanagh's individual choices to return their signed and sealed mail ballot envelopes by hand-delivery to the Region 19 office to ensure timely receipt for the ballot count was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *Westwood Horizons Hotel*, 270 NLRB. 802, 803 (1984). Based on the foregoing and the record as a whole, I recommend that Objection 1 be overruled.

B. Objection 2: [Petitioner] engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail.

1. Record Evidence

The Employer's Objection 2 alleges objectionable conduct by Petitioner. The Employer failed to meet its burden to establish that Petitioner "engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail."

Rather, as noted above, the record reflects that employee Kavanagh distributed a group text to 19 people at 12:57 p.m. on Monday, July 18, approximately two (2) days prior to the deadline to return the mail ballots to the Region 19 office by 2:00 p.m. on Wednesday, July 20. Further, as detailed above, the Employer failed to meet its burden to establish that Kavanagh is an agent of Petitioner, having either actual or apparent authority to act on behalf of Petitioner.

Kavanaugh testified that he sent the group text to 19 of the approximately 24 eligible voters, comprising all of the eligible voters except those who had informed Kavanaugh that they did not want to be contacted. I credit Kavanaugh's uncontroverted testimony that he sent the group text on his own initiative, because he wanted to ensure that all of the eligible voters who chose to cast mail ballots could ensure that their mail ballots were timely received at the Region 19 office to be counted at the ballot count. I further credit Kavanaugh's uncontroverted testimony that Petitioner did not tell or instruct Kavanaugh to send the group text to 19 of the 24 eligible voters and that Kavanagh did not take into account whether or not each group text recipient was a union supporter when determining which eligible voters to include in the group text.

With respect to the content of the group text, at 12:57 p.m. on Monday, July 18, Kavanaugh texted the 19 eligible voters that if they had not yet mailed their mail ballots, that he recommended “NOT using snail mail because at this point it might not arrive in time to be counted.” Kavanaugh provided the recipients with the following alternative options to mailing their mail ballots: (1) Kavanaugh offered to provide the recipients with postage-paid one-day envelopes that must be mailed by July 18th to timely arrive at the Region 19 office; (2) Kavanaugh offered the recipients rides to the Region 19 office until the 2:00 p.m. deadline on Wednesday, July 20, to enable the eligible voters to hand deliver their signed and sealed mail ballot envelopes in person at the Region 19 office; (3) Kavanaugh offered the recipients assistance with returning their mail ballots by overnight mail by Tuesday, July 19, which “costs a bit more but if it’s the best option for you we’ll make it happen!”

Kavanaugh’s uncontroverted testimony is that no eligible voters accepted Kavanaugh’s group text offers of assistance by requesting postage-paid one-day envelopes, any assistance with overnight mail, or any rides to hand deliver their signed and sealed mail ballot envelopes in person to the Region 19 office.

2. Board Law

In determining whether to set aside an election, the Board applies an objective test. The test is whether the conduct of a party has “the tendency to interfere with employees’ freedom of choice.” *Cambridge Tool & Mfg. Co., Inc.*, 316 NLRB 716 (1995). Thus, under the Board’s test the issue is not whether a party’s conduct in fact coerced employees, but whether the party’s misconduct reasonably tended to interfere with the employees’ free and uncoerced choice in the election. *Baja’s Place*, 268 NLRB 868, 868 (1984).

Where misconduct is not attributed to parties but is rather attributable to third parties, the Board will overturn an election only if the misconduct is “so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible.” *Westwood Horizons Hotel*, 270 NLRB. 802, 803 (1984).

3. Recommendation

The Employer failed to meet its burden to establish that Petitioner “engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail.” The record contains *no* evidence to support the Employer’s bare assertion that Petitioner engaged in unlawful ballot harvesting or *any* solicitation of voters to vote in person rather than by mail. Accordingly, the Employer failed to meet its burden to establish that Petitioner’s alleged misconduct reasonably tended to interfere with the employees’ free and uncoerced choice in the election. *Baja’s Place*, 268 NLRB 868, 868 (1984).

Further, as noted above, the Employer, who bears the burden of proof, has failed to establish that employees could reasonably conclude that Kavanaugh was an agent acting on behalf of the Petitioner when he engaged in the conduct alleged to be objectionable at Objection

2. Therefore, I examine the alleged objectionable conduct at Objection 2 using the Board's standard for third-party conduct. *Cornell Forge Co.*, 339 NLRB 733 (2003).

Likewise, the Employer failed to meet its burden to establish that Kavanaugh's alleged misconduct as a third party is "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *Westwood Horizons Hotel*, 270 NLRB. 802, 803 (1984). There is no record evidence to show Kavanaugh's group text was "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *Id.*

Rather, the record evidence reflects that, Kavanaugh, an eligible voter, on his own initiative, by group text, offered assistance to 19 fellow eligible voters, to ensure that, if the eligible voters so chose, the eligible voters could timely return their signed and sealed mail ballot envelopes to the Region 19 office by the deadline, to be counted at the ballot count. Petitioner did not instruct Kavanaugh to send the group text, nor did Kavanaugh take any eligible voter's known or suspected union support into account when determining which eligible voters to include on distribution of his group text. Instead, Kavanaugh included all eligible voters on his group text except for those who specifically requested they did not want to be contacted.

Based on the foregoing and the record as a whole, I recommend that Objection 2 be overruled.

VI. CONCLUSION FOR OBJECTIONS

Based on the foregoing and the record as a whole, I recommend that the Employer's objections be overruled in their entirety.

VII. APPEAL PROCEDURE

Pursuant to Section 102.69(c)(1)(iii) of the Board's Rules and Regulations, any party may file exceptions to this Report, with a supporting brief if desired, with the Regional Director of Region 28 by **December 1, 2022**. A copy of such exceptions, together with a copy of any brief filed, shall immediately be served on the other parties and a statement of service filed with the Regional Director.

Pursuant to Section 102.5 of the Board's Rules and Regulations, exceptions must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlr.gov), unless the party filing exceptions does not have access to the means for filing electronically or filing electronically would impose an undue burden. Exceptions filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board's Rules do not permit a request for review to be filed by facsimile transmission.

Pursuant to Sections 102.111 – 102.114 of the Board's Rules, exceptions and any supporting brief must be received by the Regional Director by close of business at 4:45 p.m. Phoenix, Arizona local time on the due date. If filed electronically, it will be considered timely

if the transmission of the entire document through the Agency's website is accomplished by no later than 11:59 p.m. Eastern Time on the due date.

Within 5 business days from the last date on which exceptions and any supporting brief may be filed, or such further time as the Regional Director may allow, a party opposing the exceptions may file an answering brief with the Regional Director. An original and one copy shall be submitted. A copy of such answering brief shall immediately be served on the other parties and a statement of service filed with the Regional Director.

Dated at Phoenix, Arizona, on the 16th day of November 2022.

/s/ Lisa J. Dunn

Lisa J. Dunn, Hearing Officer
National Labor Relations Board – Region 28
2600 North Central Avenue – Suite 1400
Phoenix, AZ 85004-3099
Telephone (602) 640-2160
Facsimile (602) 640-2178
E-mail: lisa.dunn@nlrb.gov

From: Moore, Dawn M.
Sent: Tuesday, October 25, 2022 8:15 PM
To: blynch@littler.com; adieckman@littler.com; rhammond@littler.com; rsaade@littler.com; gsfisher@littler.com; multhaup@workerlaw.com; iglitzin@workerlaw.com; ihayes@hayesdolce.com; richard.minter@workers-united.org
Subject: Starbucks Corporation / Case 19-RC-295849
Attachments: ORD.19-RC-295849.Order Direct Hrg on Challenged Ballots and Objections.pdf

Please see the attached Order Directing Hearing and Notice of Hearing on Challenged Ballots and Objections in the above subject matter.

Thank you,

Dawn M. Moore

Program Support Assistant

NLRB Region 28 – Las Vegas Resident Office / Foley Federal Courthouse Building

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NATIONAL LABOR
RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295849

**WORKERS UNITED affiliated with SERVICE
EMPLOYEES INTERNATIONAL UNION**

Petitioner

**ORDER DIRECTING HEARING AND NOTICE OF HEARING
ON CHALLENGED BALLOTS AND OBJECTIONS**

Based on a petition filed on May 13, 2022, and pursuant to a Decision and Direction of Election (DDE), ballots were mailed to employees on June 29, 2022 to be returned by no later than July 20, 2022, to determine whether a unit of employees of Starbucks Corporation (the Employer) wish to be represented for purposes of collective bargaining by Workers United affiliated with Service Employees International Union (Petitioner).

That voting unit consists of:

INCLUDED: All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 4115 4th Ave. S., Seattle, Washington.

EXCLUDED: All store managers, assistant store managers, office clerical employees, confidential employees, managerial employees, professional employees, and guards and supervisors as defined in the Act.

The Tally of Ballots prepared at the conclusion of the election shows the following:

Approximate number of eligible voters	24
Number of Void ballots	0
Number of Votes cast for Petitioner.....	4
Number of Votes cast against participating labor organization(s) ..	4
Number of Valid votes counted	8
Number of challenged ballots	2
Number of Valid votes counted plus challenged ballots	10

The challenged ballots were sufficient in numbers to affect the results of the election.

THE CHALLENGED BALLOTS

The name of the challenged voters, the stated reason for each challenge, and the party or person who made the challenge is as follows:

Name of Challenged Voter	Reason for Challenge	Challenged By
Dan Kavanaugh	No postmark/mail ballot election	Employer
Jessica Perez	No postmark/mail ballot election	Employer

THE CHALLENGED BALLOTS

The Employer challenged the mail ballots cast by Dan Kavanaugh (Kavanaugh) and Jessica Perez (Perez) because Kavanaugh's and Perez's ballots showed no postmark. The Employer contends that the absence of a postmark calls into question the legitimacy of the ballots and indicates that someone returned Kavanaugh's and Perez's ballots to Region 19 in person, in contravention of the DDE which directed a mail ballot election.

Petitioner takes the position that ballots cast by Kavanaugh and Perez should be opened and counted because the election was conducted in accordance with the DDE and Notice of Election. The Notice of Election stated, "In order to be valid and counted, the returned ballots must be received in the Region 19 Office, 2948 Jackson Federal Building, 915 Second Ave, Seattle, WA 98174-1009 by 2p.m. on Wednesday, July 20, 2022." Petitioner asserts that the voters filled out the ballots at their homes and elected to return their ballots in person to the Region 19 office because the deadline was looming and the voters were worried about not getting in their ballots in time. Petitioner declares that such conduct was unobjectionable behavior and did not compromise the voting process.

THE OBJECTIONS

On October 14, 2022, the Employer filed timely four objections to conduct affecting the results of the election, with copies being served on all parties.¹ Employer's Objections 1 and 2 are as follows:

1. Region 19 personnel engaged in election misconduct by failing to adhere to the DDE by allowing voters to vote in person, rather than by mail. Based upon information and belief, the Region 19 personnel communicated with the [Petitioner] ex parte to arrange for such special voting procedures that failed to adhere to the DDE [footnote omitted].
2. The [Petitioner] engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail.

¹ On October 24, 2022, I issued Regional Director's Decision on Certain Objections wherein, after conducting an administrative investigation, I overruled Employer's Objections 3 and 4.

On October 20, 2022, the General Counsel of the National Labor Relations Board transferred the case from Region 19 to Region 28 for further proceedings on the challenged ballots and the Employer's objections.

CONCLUSION AND ORDER

I have concluded that the challenged ballots raise substantial and material issues of fact that can best be resolved by hearing. I have also concluded that the evidence described in the offers of proof submitted by the Employer in support of Objections 1 and 2 could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, **IT IS ORDERED** that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised with respect to the challenge ballots and objections. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the challenge ballot and objections.

NOTICE OF HEARING

Starting at 9:00 a.m. (local time) on November 1, 2022, the hearing on challenge ballots and objections as described above will be conducted before a Hearing Officer of the National Labor Relations Board and shall continue on consecutive days thereafter until concluded unless I determine that extraordinary circumstances warrant otherwise. The hearing will be conducted by videoconference using the Zoom platform or other platform deemed appropriate for this purpose by the Hearing Officer. The Hearing Officer will email the parties the information necessary to participate in the videoconference hearing.

Dated in Phoenix, Arizona on the 25th day of October, 2022.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28

From: Moore, Dawn M.
Sent: Tuesday, October 25, 2022 7:59 PM
To: blynch@littler.com; adieckman@littler.com; rhammond@littler.com; rsaade@littler.com; gsfisher@littler.com; multhaup@workerlaw.com; iglitzin@workerlaw.com; ihayes@hayesdolce.com; richard.minter@workers-united.org
Subject: Starbucks Corporation / Case 19-RC-295849
Attachments: SPP.19-RC-295849.RD Decision on Certain Objections.pdf

Please see the attached Regional Director's Decision on Certain Objections in the above subject matter.

Thank you,

Dawn M. Moore

Program Support Assistant

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NATIONAL LABOR
RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295849

**WORKERS UNITED affiliated with SERVICE
EMPLOYEES INTERNATIONAL UNION**

Petitioner

REGIONAL DIRECTOR'S DECISION ON CERTAIN OBJECTIONS

Based on a petition filed on May 13, 2022, and pursuant to a Decision and Direction of Election (DDE), ballots were mailed to employees on June 29, 2022 to be returned by no later than July 20, 2022, to determine whether a unit of employees of Starbucks Corporation (the Employer) wish to be represented for purposes of collective bargaining by Workers United affiliated with Service Employees International Union (Petitioner).

That voting unit consists of:

INCLUDED: All full-time and regular part-time baristas and shift supervisors employed by the Employer at its store located at 4115 4th Ave. S., Seattle, Washington.

EXCLUDED: All store managers, assistant store managers, office clerical employees, confidential employees, managerial employees, professional employees, and guards and supervisors as defined in the Act.

On October 6, 2022, the Tally of Ballots were prepared at the conclusion of the election and showed the following:

Approximate number of eligible voters	24
Number of Void ballots	0
Number of Votes cast for Petitioner.....	4
Number of Votes cast against participating labor organization(s) ..	4
Number of Valid votes counted	8
Number of challenged ballots	2
Number of Valid votes counted plus challenged ballots	10

The challenged ballots were sufficient in numbers to affect the results of the election.

On October 14, 2022, the Employer filed timely four objections to conduct affecting the results of the election, with copies being served on all parties. On October 20, 2022, the General Counsel of the National Labor Relations Board transferred the case from Region 19 to Region 28 for further proceedings on the challenged ballots and the Employer's objections.

THE OBJECTIONS

As noted above, the Employer filed four objections to conduct affecting the results of the election, with copies being served on all parties. On October 24, 2022, I issued an Order Director Hearing and Notice of Hearing on Challenged Ballots and Objections. Regarding the challenged ballots, I concluded that the challenged ballots raised substantial and material issues of fact that can best be resolved by hearing. Regarding the Employer's four objections, I concluded that the evidence described in the offers of proof submitted by the Employer, in support of Employer's Objections 1 and 2, could be grounds for overturning the election if introduced at a hearing.

Regarding Employer's Objections 3 and 4, they are as follows:

3. Region 19 abused its discretion (a) by failing to notify the parties of the low voter turnout prior to the impounding of ballots and (b) by failing to explore an extension of the voting period.
4. Based upon information and belief, Region 19 personnel engaged in election misconduct by failing to process one or more timely cast ballots prior to the October 6, 2022 ballot count.

Pursuant to Section 102.69 of the National Labor Relations Board's Rules and Regulations, Series 8 (Board's Rules and Regulations), and NLRB Casehandling Manual (Part Two) Representation Proceedings, Sections 11390 – 11397, I ordered an administrative investigation of the Employer's Objections 3 and 4. Having carefully considered the Employer's Offer of Proof in support of Objections 3 and 4 and all relevant evidence, I find that the Employer's Objections 3 and 4 and Offer of Proof do not describe facts that would warrant a hearing or setting aside the election results in this matter. Accordingly, I am overruling the Employer's Objections 3 and 4.

I. STANDARDS FOR SETTING ASIDE ELECTIONS AND BURDEN OF PROOF

Representation elections are not lightly set aside. *Lockheed Martin Skunk Works*, 331 NLRB 852, 854 (2000), quoting *NLRB v. Hood Furniture Mfg. Co.*, 941 F.2d 325, 328 (5th Cir. 1991). The burden of proof on objecting parties seeking to set aside an election is a heavy one, *Delta Brands, Inc.*, 344 NLRB 252, 253 (2005), citing *Kux Mfg. Co. v. NLRB*, 890 F.2d 804, 808 (6th Cir. 1989) because a Board-conducted representation election is presumed to be valid. *NLRB v. WFMT*, 997 F.2d 269, 274 (7th Cir. 1993); *NLRB v. Service American Corp.*, 841 F.2d 191, 195 (7th Cir. 1988). The objecting party's burden encompasses every aspect of a prima facie case. *Sanitas Service Corp.*, 272 NLRB 119, 120 (1984). The party must provide probative evidence in support of its objections; it is not sufficient to rely on mere allegation, suspicion or conclusory statements. *Affiliated Computer Services, Inc.*, 355 NLRB 899, 903

(2010). “Conclusory allegations or proof of mere misrepresentations ... are insufficient to meet this heavy burden; specific evidence of specific events is required showing not only that the acts occurred, but also that they “interfered with the employees' exercise of free choice to such an extent that they materially affected the results of the election.” *NLRB v. Hood Furniture*, supra.

If the objecting party’s offer of proof is insufficient, the Regional Director may reject it and overrule the objection without an evidentiary hearing. In that regard, Section 102.69(a) of the Board's Rules and Regulations provides that when filing objections to an election, a party must include a short statement of the reasons for the objections and an offer of proof in the form described in Section 102.66(c). Specifically, the offer of proof shall identify "each witness the party would call to testify concerning the issue and summarizing each witness's testimony." If the Regional Director determines that the offer of proof is insufficient to sustain the objecting party's position, the evidence shall not be received. In this regard, if the Regional Director determines that the evidence described in an offer of proof accompanying objections "would not constitute grounds for setting aside the election if introduced at a hearing, the Regional Director shall issue a decision disposing of the objections.” Section 102.69(c)(1)(i) of the Board's Rules and Regulations. See also NLRB Casehandling Manual (Part Two) Representation Proceedings, Section 11395.1.

The objecting party bears the burden of furnishing evidence or a description of evidence that, if credited at hearing, would warrant setting aside the election. *Jacmar Food Service Distribution*, 365 NLRB No. 35, slip. op. 1 fn.2 (2017), citing *Transcare New York, Inc.*, 355 NLRB 326, 326 (2010). The Board has repeatedly upheld regional directors’ decisions to overrule objections when the supporting offer of proof is deficient. See *Mr. C. Manager, LLC*, 31-RC- 249624, 2020 WL 3187948, fn. 1 (2020) (Objection and accompanying offer of proof did not proffer evidence that, if proven at a hearing, could be grounds for setting aside the election), citing *Park Chevrolet-Geo, Inc.*, 308 NLRB 1010, fn. 1(1992) (Regional Director properly overruled objection without a hearing based on deficient offer of proof); *Western Wall System, LLC*, 28-RC-247464, 2020 WL 1931401, fn.1 (2020) (“Even presuming the truth of the Employer's proffered evidence and contentions, it has failed to establish a prima facie case in support of its objections”); *XPO Logistics Freight, Inc.*, 13-RC-184190, 2017 WL 1294849, fn.1 (2017) (Objections overruled where offer of proof was deficient due to "failure to allege and support conduct which, if credited, would warrant setting aside the election"); See also *Recology Auburn Placer*, 20-RC-296708 (September 8, 2022) (unpublished).

To set aside an election based on regional office conduct or procedural irregularities, the objecting party must show that there is evidence that “raises a reasonable doubt as to the fairness and validity of the election.” *Durham School Services, LP*, 360 NLRB 851, slip op. at 4 (2014), citing *Polymers, Inc.*, 174 NLRB 282, 282 (1969), enfd. 414 F.2d 999 (2d Cir. 1969), cert. denied 396 U.S. 1010 (1970); see also *Physicians & Surgeons Ambulance Service*, 356 NLRB No. 42, slip op. at 1 (2012), enfd. 477 Fed.Appx 743 (D.C. Cir. 2012). Under that established standard, an election will be set aside if the objecting party shows that an election irregularity possibly disenfranchised a sufficient number of voters to affect the election outcome. *Dayton Malleable Iron Co.*, 123 NLRB 1707, 1709 (1959); *Midwest Canvas Corp.*, 326 NLRB 58 (1998).

II. ANALYSIS OF EMPLOYER'S OBJECTION 3

The Employer contends that Region 19 abused its discretion (a) by failing to notify the parties of the low voter turnout prior to the impounding of ballots and (b) by failing to explore an extension of the voting period. The offer of proof submitted by the Employer failed to specify what evidence it would present at the hearing in support of Objection 3. Rather the Employer simply reserved the right to present documentary and testimonial evidence through Region 19 personnel, as well as legal arguments related to Region 19's conduct at the ballot count on October 6, 2022, in the event a hearing is directed related to Objections 1 and 2.

The Employer's argument that low voter turnout indicates that Region 19 committed election misconduct by failing to notify the parties of the low voter turnout prior to the impounding of ballots and failing to explore an extension of the voting period is unavailing. There is no provision, either in the Board's Rules and Regulations or the NLRB Casehandling Manual (Part Two) Representation Proceedings, that requires a Regional Office to inform any party in a representation election of low voter turnout and/or to explore an extension of the voting period. As such, it is not an abuse of discretion for a Regional Office failing to inform the parties of low voter turnout and/or to explore an extension of the voting period.

Furthermore, the Board has repeatedly declined to consider voter turnout in its analysis of election misconduct and has repeatedly upheld the objective standard articulated in *Lemco Construction, Inc.*, 283 NLRB 459 (1987), notwithstanding low turnout. The Board will find an election to be valid if: (1) all employees have received adequate notice of the election; (2) all employees were given adequate opportunity to vote; and (3) employees were not prevented from voting by the conduct of one of the parties or by unfairness in the scheduling or mechanics of the election. *Id.* The objecting party bears the burden of providing objective evidence that parties were either prevented from voting or had no opportunity to vote at all. See *Glenn McClendon Trucking Co.*, 255 NLRB 1304 (1981) (overturning an election result when three employees testified they were prevented from voting by work assignments made by the employer) and *Yerges Van Liners, Inc.*, 162 NLRB No. 125 (overturning election where employee had no opportunity to vote when he was assigned work out of town during election hours).

In *Lemco*, only 1 out of 8 eligible voters cast a ballot, and a group of employees arrived at the polling place after the polls closed. Despite the low voter participation, the Board dismissed the employer's objection and determined that the election results should be certified because all eligible voters had adequate notice and opportunity to participate in the election. The Board has repeatedly upheld the certification of units where a minority of eligible voters participated in the election and refused to consider low turnout as indicative of misconduct. See, e.g., *Northern Star Realty 5 Co.*, 283 NLRB 1159 (1987) (denying employer's objection under *Lemco* and certifying unit where only one of two eligible voters cast a ballot); *Sitka Sound Seafoods*, 325 NLRB 685 (1998) (upholding a mixed methods election in which only sixty-four of ninety-two eligible voters cast ballots); *CenTrio Energy South LLC*, 371 NLRB No. 94 (2022) (upholding the certification of an election in which three of fourteen eligible voters cast ballots).

Accordingly, the Employer's Offer of Proof fails to provide a description of evidence that would provide an objective basis for setting aside the election on these grounds.

III. ANALYSIS OF EMPLOYER'S OBJECTION 4

The Employer contends that Region 19 personnel engaged in election misconduct by failing to process one or more timely cast ballots prior to the October 6, 2022 ballot count. The offer of proof submitted by the Employer is identical to what it submitted in support of Objection 3.

The Region's administrative investigation established that all ballots received by Region 19 prior to the vote count on October 6, 2022 were counted, and Region 19 has not received any late ballots since the date of the vote count. Accordingly, the Employer's Offer of Proof fails to provide a description of evidence that would provide an objective basis for setting aside the election on these grounds.

IV. CONCLUSION

Based on the foregoing, considering the Employer's evidence in the light most favorable to the Employer, the Employer's Objections 3 and 4 are legally insufficient. I am, therefore, overruling the Employer's Objections 3 and 4 in their entirety.

REQUEST FOR REVIEW

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and Regulations and must be received by the Board in Washington by 10 business days from the date of this decision. If no request for review is filed, the decision is final and shall have the same effect as if issued by the Board.

Unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden, a request for review must be E-Filed through the Agency's website. A request for review may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the Request for Review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated in Phoenix, Arizona on the 25th day of October, 2022.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28

From: Snook, Dennis
Sent: Thursday, October 6, 2022 6:49 PM
To: Fisher, Gregory; Dieckman, Alyson D.; starbucksnlrb@littler.com; blynch@littler.com; rsaade@littler.com; rhammond@littler.com; richard.minter@workers-united.org; Dmitri Iglitzin; multhaup@workerlaw.com; ihayes@hayesdolce.com
Subject: 19-RC-295849 - Starbucks Corporation - TALLY OF BALLOTS
Attachments: TOB.19-RC-295849.Tally of Ballots 10-06-2022.pdf

Dear Parties:

Attached is a copy of Tally of Ballots issued on 6 October 2022. If objections are to be filed by any party, the objections containing a reason thereof and a written offer of proof must be electronically filed via the Board website (www.NLRB.gov) prior to 11:59 p.m. PT on 17 October 2022, or mailed, delivered, or faxed (206.220.6305) to the Regional Office by 4:45 p.m. PT on 17 October 2022. The objecting party must serve a copy of the objections (but not the offer of proof) on each of the other parties and complete a certificate of service.

Please see the following Rules and Regulations for details: §102.2 Time Requirements for filings with the Agency; §102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service; §102.69 Election procedure; tally of ballots; objections; certification by the Regional Director; hearings; Hearing Officer reports on objections and challenges; exceptions to Hearing Officer reports; Regional Director decisions on objections and challenges. A full text of the rules for petitions filed before May 31, 2020, and the amended rules for petitions filed on or after May 31, 2020, can be found here: <http://10.18.2.32/guidance/key-reference-materials/rules-regulations>

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Date Filed

May 13, 2022

Case No. 19-RC-295849

Date Issued October 6, 2022

City Seattle

State WA

Type of Election:
(Check one:)

- ☐ Stipulation
☐ Board Direction
☐ Consent Agreement

(If applicable check
either or both:)

- ☐ 8(b) (7)
☒ Mail Ballot

- ☒ RD Direction
Incumbent Union (Code)

STARBUCKS CORPORATION

Employer

and

WORKERS UNITED AFFILIATED WITH
SERVICE EMPLOYEES INTERNATIONAL
UNION

Petitioner

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 24
2. Number of Void ballots 0
3. Number of Votes cast for 4
Petitioner
4. Number of Votes cast for _____
5. Number of Votes cast for _____
6. Number of Votes cast against participating labor organization(s) 4
7. Number of Valid votes counted (sum 3, 4, 5, and 6) 8
8. Number of challenged ballots 2
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 10
10. Challenges are ~~(not)~~ sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for _____

Workers United affiliated with Service Employees International Union

For the Regional Director

Ann Marie Skov

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For Employer

participated by video.

For Petitioner

participated by video.

For

From: Skov, Ann-Marie
Sent: Friday, October 14, 2022 2:57 PM
To: gsfisher@littler.com; Dieckman, Alyson D.; StarbucksNLRB; Lynch, Breanne; Saade, Renea; Hammond, Ryan; richard.minter@workers-united.org; Dmitri Iglitzin; Marina Multhaupt; Julian Gonzalez; ihayes@hayesdolce.com
Cc: Todd, Dianne
Subject: DUE DATE today (10/14/2022) in 19-RC-295849 - Starbucks Corporation - TALLY OF BALLOTS
Attachments: TOB.19-RC-295849.Tally of Ballots 10-06-2022.pdf
Importance: High

Dear Parties:

The due date for objections is TODAY, 14 October 2022 in Starbucks 19-RC-295849. Please disregard the date listed below in the email sent on October 6, 2022. If objections are to be filed by any party, the objections containing a reason thereof and a written offer of proof must be electronically filed via the Board website (www.NLRB.gov) prior to 11:59 p.m. PT on 14 October 2022, or mailed, delivered, or faxed (206.220.6305) to the Regional Office by 4:45 p.m. PT on 14 October 2022. The objecting party must serve a copy of the objections (but not the offer of proof) on each of the other parties and complete a certificate of service.

Please see the following Rules and Regulations for details: §102.2 Time Requirements for filings with the Agency; §102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service; §102.69 Election procedure; tally of ballots; objections; certification by the Regional Director; hearings; Hearing Officer reports on objections and challenges; exceptions to Hearing Officer reports; Regional Director decisions on objections and challenges. A full text of the rules for petitions filed before May 31, 2020, and the amended rules for petitions filed on or after May 31, 2020, can be found here: <http://10.18.2.32/guidance/key-reference-materials/rules-regulations>

Thanks,
Ann Marie Skov
206-220-6296

From: Snook, Dennis
Sent: Thursday, October 6, 2022 3:49 PM
To: Fisher, Gregory <gsfisher@littler.com>; Dieckman, Alyson D. <adieckman@littler.com>; starbucksnlrb@littler.com; blynch@littler.com; rsaade@littler.com; rhammond@littler.com; richard.minter@workers-united.org; Dmitri Iglitzin <iglitzin@workerlaw.com>; multhaupt@workerlaw.com; ihayes@hayesdolce.com
Subject: 19-RC-295849 - Starbucks Corporation - TALLY OF BALLOTS

Dear Parties:

Attached is a copy of Tally of Ballots issued on 6 October 2022. If objections are to be filed by any party, the objections containing a reason thereof and a written offer of proof must be electronically filed via the Board website (www.NLRB.gov) prior to 11:59 p.m. PT on 17 October 2022, or mailed, delivered, or faxed (206.220.6305) to the Regional Office by 4:45 p.m. PT on 17 October 2022. The objecting party must serve a copy of the objections (but not the offer of proof) on each of the other parties and complete a certificate of service.

Please see the following Rules and Regulations for details: §102.2 Time Requirements for filings with the Agency; §102.5 Filing and service of papers by parties: Form of papers; manner and proof of filing or service; §102.69 Election procedure; tally of ballots; objections; certification by the Regional Director; hearings; Hearing Officer reports on objections and challenges; exceptions to Hearing Officer reports; Regional Director decisions on objections and challenges. A full text of the rules for petitions filed before May 31, 2020, and the amended rules for petitions filed on or after May 31, 2020, can be found here: <http://10.18.2.32/guidance/key-reference-materials/rules-regulations>

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Date Filed

Case No. 19-RC-295849

May 13, 2022

Date Issued October 6, 2022

City Seattle

State WA

Type of Election:
(Check one:)

- ☐ Stipulation
☐ Board Direction
☐ Consent Agreement

(If applicable check
either or both:)

- ☐ 8(b) (7)
☒ Mail Ballot

☒ RD Direction
Incumbent Union (Code)

STARBUCKS CORPORATION

Employer

and

WORKERS UNITED AFFILIATED WITH
SERVICE EMPLOYEES INTERNATIONAL
UNION

Petitioner

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of tabulation of ballots case in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 24
2. Number of Void ballots 0
3. Number of Votes cast for 4
Petitioner
4. Number of Votes cast for _____
5. Number of Votes cast for _____
6. Number of Votes cast against participating labor organization(s) 4
7. Number of Valid votes counted (sum 3, 4, 5, and 6) 8
8. Number of challenged ballots 2
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 10
10. Challenges are ~~(not)~~ sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for _____

Workers United affiliated with Service Employees International Union

For the Regional Director

Ann Marie Skov

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

For Employer

participated by video.

For Petitioner

participated by video.

For

From: Skov, Ann-Marie
Sent: Friday, October 14, 2022 3:03 PM
To: Julian Gonzalez
Subject: LTR.19-RC-295849.Starbucks.Challenges Letter to Parties 10-07-2022 (002).pdf
Attachments: LTR.19-RC-295849.Starbucks.Challenges Letter to Parties 10-07-2022 (002).pdf



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

October 7, 2022

Alyson D. Dieckman, Attorney
Ryan P. Hammond, Attorney
Breanne F. Lynch, Attorney
Littler Mendelson, P.C.
600 University St Ste 3200
Seattle, WA 98101-3122

Gregory S. Fisher, Attorney
Renea I. Saade, Attorney
Littler Mendelson PC
500 L St Ste 201
Anchorage, AK 99501-5909

Dmitri Iglitzin, Attorney
Marina Multhaup, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971

Ian Hayes, Attorney
Hayes Dolce
135 Delaware Ave Ste 502
Buffalo, NY 14202-2415

Re: Starbucks Corporation
Case 19-RC-295849

Dear Parties:

As you are aware, the challenged ballots cast in the election conducted in the above matter are sufficient in number to affect the results. The following voters were challenged for the reason listed:

NAME	CHALLENGED BY	REASON
Dan Kavanaugh	Employer	No post mark/mail ballot election
Jessica Perez	Employer	No post mark/mail ballot election

Investigator: The investigation of the challenged ballots has been assigned to Field Attorney ANN-MARIE SKOV, whose telephone number is (206)220-6296.

Requested Information: Please provide a statement of position with respect to the challenge of each voter listed above explaining why each of the challenged individuals is or is not eligible to vote in the election **together with all evidence you have in support of your position**. This submission should be received by this office by **October 14, 2022**. While we strongly urge submission by eFiling (not e-mailing) through our website, www.nlr.gov, we will also accept timely filed paper documents.

Potential Hearing Date: If I determine that the challenged ballots raise substantial and material factual issues, I will schedule a hearing for October 27, 2022 or as soon as practicable thereafter, unless the parties agree to an earlier date or I consolidate this proceeding with an unfair labor practice proceeding before an Administrative Law Judge. The hearing will continue from day to day until completed unless I conclude that extraordinary circumstances warrant otherwise.

If you have any questions concerning the above, please feel free to contact me or Field Attorney SKOV.

Very truly yours,



RONALD K. HOOKS
Regional Director

WW

cc: Starbucks Corporation
2401 Utah Ave S Ste 800
Seattle, WA 98134-1435

Richard A. Minter, Assistant Manager
Workers United
22 S 22nd St
Philadelphia, PA 19103-3005

From: Willmore, Winnie
Sent: Monday, October 17, 2022 5:23 PM
To: Dmitri Iglitzin; Marina Multhaup; ihayes@hayesdolce.com
Cc: Skov, Ann-Marie
Subject: Starbucks, 19-RC-295849
Attachments: LTR.19-RC-295849.Starbucks.Objections Letter to PET 10-17-2022.pdf

Please see attached letter regarding Employer's objections filed on October 14, 2022.

Winnie Willmore, Program Support Assistant
National Labor Relations Board, Region 19
2948 Jackson Federal Building
Seattle, WA 98174-1006
Phone: 206-220-6341



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

October 17, 2022

Dmitri Iglitzin, Attorney
Marina Multhaup, Attorney
Barnard, Iglitzin & Lavitt, LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971

Ian Hayes, Attorney
Hayes Dolce
135 Delaware Ave Ste 502
Buffalo, NY 14202-2415

Re: Starbucks Corporation
Case 19-RC-295849

Dear Parties:

Enclosed is a copy of the objections to the election in the above matter that Starbucks Corporation filed on October 14, 2022.

Pursuant to Section 102.69 of the Board's Rules and Regulations, if I determine that the evidence described in the objecting party's offer of proof could be grounds for setting aside the election if introduced at a hearing, I will transmit to the parties and their designated representatives a Notice of Hearing scheduling a hearing before a hearing officer. The hearing will be set for **Friday, October 28, 2022** or as soon as practicable thereafter, unless the parties agree to an earlier date or I consolidate this proceeding with an unfair labor practice proceeding before an administrative law judge. The hearing will continue from day to day until completed unless I conclude that extraordinary circumstances warrant otherwise.

If you have any questions or wish to discuss this matter, please contact Field Attorney ANN MARIE SKOV, whose telephone number is (206)220-6296.

Very truly yours,

RONALD K. HOOKS
Regional Director

ww

Enclosure: Copy of Objections

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION,

Employer,

v.

WORKERS UNITED,

Petitioner.

Case No. 19-RC-295849

**STARBUCKS CORPORATION’S OBJECTIONS TO THE CONDUCT OF THE
ELECTION**

Pursuant to the Rules and Regulations of the National Labor Relations Board (“NLRB”), including Section 102.69 and 102.66(c), Starbucks Corporation (“Starbucks” or “Employer”) files the following Objections to Conduct of the Election in connection with the mail ballot election directed in Case No. 19-RC-295849.

Following Workers United’s (the “Union’s”) petition for representation in 19-RC-295849, the parties briefed the issue of the method of election. On June 14, 2022, the Regional Director issued a Decision and Direction of Election (“DDE”) for a mail ballot election. The DDE provided:

The election will be conducted by mail. On **Wednesday, June 29, 2022**, the ballots will be mailed to voters by a designated official from the National Labor Relations Board, Region 19. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by **Wednesday, July 6, 2022**, should communicate immediately with the National Labor Relations Board by either calling the Region 19 Office at **206-220-6300** or our national toll-free line at **1-866-667-NLRB (1-866-667-6572)**.

Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 19 office by **2:00 p.m. on Wednesday, July 20, 2022**. All ballots will be commingled and counted by an agent of Region 19 of the National Labor Relations Board on **Wednesday, July 20, 2022, at 2:00 p.m.** with participants being present via electronic means. No party may make a video or audio recording or save any image of the ballot count. If, at a later date, it is determined that a ballot count can be safely held in the Regional Office, the Region will inform the parties with sufficient notice so that they may attend.

The Employer timely filed and served its Request for Review of the Regional Director's DDE ordering a mail ballot election on June 28, 2022. In its Request for Review, the Employer argued that the *Aspirus Keweenaw* factors for deciding the method of election in representation proceedings was outdated and misaligned with current science and the state of the COVID-19 pandemic. 370 NLRB No. 45 (2020). As of the July 20, 2022 date for ballots to be returned, the National Labor Relations Board ("NLRB" or the "Board") had not issued a decision on the Employer's Request for Review, and the Region impounded the ballots. On September 29, 2022, the NLRB issued a decision granting the Employer's Request for Review, amending the *Aspirus* decision, but declining to apply the decision retroactively. Following the Board's decision, the Region rescheduled the ballot count for October 6, 2022.

Prior to the impounding of ballots on July 20, 2022, Region 19 failed to give the parties any advance notice of the low voter turnout in this case or suggest an extension of the balloting period. Despite the Employer's requests for a manual election, the Regional Director ordered a mail ballot election, citing *Aspirus Keweenaw*. The Region could have notified the parties it received only ten (10) ballots before the impounding of ballots and allowed the parties to extend the voting period. Instead of bringing these issues to the parties before choosing to count the impounded ballots, the examiner unilaterally decided to count eight (8) of the ten (10) ballots.¹

¹ Contemporaneous with the filing of this Offer of Proof, Starbucks is filing its statement of position regarding the two (2) challenged ballots. Starbucks incorporates by reference herein its statement of position.

Only eight (8) of the twenty-four (24) eligible voters on the Voter Eligibility List were postmarked and received by the Region. The ballots of two-thirds of eligible voters did not arrive at the Region prior to the impounding of ballots. Despite the extremely low participation, the examiner proceeded to open eight (8) ballots. The resulting tally was four (4) to four (4) in favor of the Employer. Accordingly, four (4) of twenty-four (24) eligible voters, or 16%, decided the outcome of the election for all bargaining unit members.

Two ballots received by the Region prior to the tally of ballots did not have postmarks, indicating that they had not been submitted via mail, as directed in the DDE. The two challenged ballots proved determinative to the election results.

Region 19's conduct of the election deprived Starbucks' partners of their Section 7 rights to vote on the issue of union representation.

Region 19's objectionable conduct includes the following:

OBJECTION 1

Region 19 personnel engaged in election misconduct by failing to adhere to the DDE by allowing voters to vote in person, rather than by mail. Based upon information and belief, the Region 19 personnel communicated with the Union ex parte to arrange for such special voting procedures that failed to adhere to the DDE.²

OBJECTION 2

The Union engaged in unlawful ballot harvesting by soliciting voters to vote in person, rather than by mail.

² The Employer submitted an expedited FOIA request on October 10, 2022, requesting all communication between Region 19 and the Union. The Employer is waiting for a response to that request.

OBJECTION 3

Region 19 abused its discretion (a) by failing to notify the parties of the low voter turnout prior to the impounding of ballots and (b) by failing to explore an extension of the voting period.

OBJECTION 4

Based upon information and belief, Region 19 personnel engaged in election misconduct by failing to process one or more timely cast ballots prior to the October 6, 2022 ballot count.

* * *

Based upon the foregoing Objections, the Employer respectfully submits that the election results must be set aside, and a manual re-run election conducted. If the Regional Director does not order a manual re-run election administratively, the Employer requests a hearing in which to present documentary evidence and witness testimony in support of its Objections.

Dated this 14th day of October, 2022.

Respectfully submitted,

/s/ Ryan P. Hammond

Ryan P. Hammond

rhammond@littler.com

Alyson Dieckman

adieckman@littler.com

LITTLER MENDELSON, P.C.

One Union Square

600 University St., Suite 3200

Seattle, WA 98101

Attorneys for Starbucks Corporation

CERTIFICATION OF SERVICE

I certify that on October 14, 2022, I caused a copy of the foregoing Starbucks Corporation's Objections to Conduct of the Election in 19-RC-295849 to be e-Filed with the NLRB and served electronically via e-mail upon the following:

Dmitri Iglitzin
Barnard Iglitzin & Lavitt LLP
iglitzin@workerlaw.com

Marina Multhaup
Barnard Iglitzin & Lavitt LLP
multhaup@workerlaw.com
woodward@workerlaw.com

By: /s/ Katie Angelikis
Katie Angelikis

4869-5297-1831.1 / 055187-1194

From: La, Annette S.
Sent: Wednesday, May 4, 2022 2:12 PM
To: 'richard.minter@workers-united.org'; 'Michael White'; 'Marina Multhaup'; 'Dmitri Iglitzin'; 'ihayes@hayesdolce.com'
Cc: McBride, Sarah M
Subject: 19-RC-295129 Starbucks Corporation
Attachments: DCK.19-RC-295129.Letter to Petitioner in RC case.pdf; PET.19-RC-295129.Starbucks 4th Ave Petition.pdf

Dear Parties:

Attached is the petition; the initial docket letter to the petitioner; and the notice of hearing in the above captioned case. Further questions can be directed to field attorney Sarah McBride by phone: 206-220-6282 or email: Sarah.McBride@nlrb.gov.

Thank you,
Annie La

Program Support Assistant
National Labor Relations Board
Region-19 Seattle
Annette.la@nlrb.gov



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
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Mobile App

May 4, 2022

URGENT

richard.minter@workers-united.org
(215)575-9065

Richard A. Minter, Assistant Manager
Workers United
22 S 22nd St.
Philadelphia, PA 19103-3005

Re: Starbucks Corporation
Case 19-RC-295129

Dear Mr. Minter:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney SARAH M. MCBRIDE whose telephone number is (206)220-6282. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206)220-6319. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within 2

business days. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 AM on Tuesday, May 24, 2022** by way of **Video Conferencing Hearing- Zoom**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by May 11, 2022 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Pacific Time on May 16, 2022**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Pacific Time on May 19, 2022**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike**

other e-Filed documents, will not be timely if filed on the due date but after noon Pacific Time. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or

from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Michael White, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Marina Multhaup, Attorney
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Ian Hayes, Attorney
Creighton, Johnsen & Giroux
1103 Delaware Ave
Buffalo, NY 14209-1601



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 19-RC-295129 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

Included: All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers.
Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (206)220-6300.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**



STARBUCKS CORPORATION Employer and WORKERS UNITED Petitioner	Case 19-RC-295129
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

IT IS HEREBY ORDERED that, pursuant to Sections 3(b) and 9(c) of the Act, a video hearing in the above-entitled matter is scheduled for **Tuesday, May 24, 2022 at 9:00 a.m. PT.** The video hearing will continue on consecutive days thereafter until concluded. At the hearing, the parties will have the right to appear by video and give testimony. The information necessary to participate in the video hearing will be provided to the parties prior to the hearing by the Hearing Officer.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Pacific time on May 16, 2022. Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Pacific on May 19, 2022.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: May 4, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

19-RC-295129

Date Filed

May 3, 2022

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be <i>added</i> to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be <i>excluded</i> from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative	9b. Signature of authorized representative		9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 19-RC-295129
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.
19-RC-295129

Date Filed
May 3, 2022

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case

19-RC-295129

Date Filed

5/3/2022

INSTRUCTIONS: Unless e-Filed using the Agency's website, <http://www.nlr.gov/>, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1 PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: Starbucks Corporation	2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 4115 4th Ave S, Seattle, WA 98134
3a. Employer Representative - Name and Title: Howard Schultz, CEO	3b. Address (if same as 2b - state same): 2401 Utah Avenue South, Suite 800, Seattle, WA 98134

3c. Tel. No. 206-318-2212	3d. Cell No.	3e. Fax No.	3f. E-Mail Address hschultz@starbucks.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Coffee shop		4b. Principal Product or Service Food and beverage	5a. City and State where unit is located: Seattle, WA
5b. Description of Unit Involved: Included: All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.			6a. Number of Employees in Unit: Approx. 24 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Check One: ☐ 7a Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____. (If no reply received, so state)
☐ 7b Petitioner is currently recognized as Bargaining Representative and desires certification under the Act

8a. Name of Recognized or Certified Bargaining Agent (if none, so state):	8b. Address:		
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address

9. Is there now a strike or picketing at the Employer's establishment(s) involved? NO If so, approximately how many employees are participating? _____.
(Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election:
11a. Election Type:
☐ Manual ☒ Mail ☐ Mixed Manual/Mail

11b. Election Date(s): ASAP	11c. Election Time(s): N/A	11d. Election Location(s): N/A
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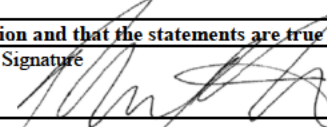
12a. Full Name of Petitioner (including local name and number): Workers United	12b. Address (street and number, city, State and ZIP code) 22 South 22 nd Street, Philadelphia, PA 19103
--	---

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
Service Employees International Union

12d. Tel. No. 646-448-6414	12e. Cell No.	12f. Fax No. 215-575-9065	12g. E-Mail Address RMinter@pjbwu.org
--------------------------------------	----------------------	-------------------------------------	---

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Marina Multhaup, Attorney		13b. Address (street and number, city, State and ZIP code) Barnard Iglitzin & Lavitt, LLP 18 W. Mercer St., Ste 400, Seattle, WA 98119	
13c. Tel. No. 260-257-6001	13d. Cell No.	13e. Fax No. 206-378-4132	13f. E-Mail Address multhaup@workerlaw.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Marina Multhaup	Signature 	Title Attorney	Date May 3, 2022
--	---	--------------------------	----------------------------

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



**BARNARD
IGLITZIN &
LAVITT LLP**

18 West Mercer Street, Suite 400
Seattle, WA 98119

TEL (800) 238.4231
FAX (206) 378.4132

Jennifer Woodward
Senior Paralegal
DIR (206) 257-6016
woodward@workerlaw.com

VIA E-FILE WITH NLRB

May 4, 2022

Ronald K. Hooks
Regional Office 19 - Seattle, WA
915 2nd Avenue, Room 2948
Seattle, WA 98174-1078

RE: Starbucks Corporation
Case No.: 19-RC-295129
BIL No.: 3449-047

Dear Director Hooks,

Please issue three (3) subpoena ad testificandum and one (1) subpoena duces tecum in the above-referenced matter. Please arrange to have the subpoenas emailed to woodward@workerlaw.com. Thank you for your time and attention in this matter. Please contact me with any questions or concerns at (206) 257-6016.

Sincerely,

Jennifer Woodward
Senior Paralegal

From: Marina Multhaup <multhaup@workerlaw.com>
Sent: Monday, May 9, 2022 2:45 PM
To: McBride, Sarah M
Cc: Dmitri Iglitzin; woodward@workerlaw.com
Subject: 19-RC-295129 Petition Withdrawal

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to [nlrbirc@nrlrb.gov](mailto:nlrirc@nrlrb.gov).

Sarah,

It has come to our attention that the signed cards for case 19-RC-295129 were not delivered to the region within the 2 days required by the rules. Therefore, Workers United would like to withdraw the petition. We intend to refile it today. Please let me know if you need any additional information.

Sincerely,
Marina Multhaup
Counsel for Workers United



MARINA MULTHAUP | Associate Attorney (she/her)
DIR: 206.257.6001 | **FAX:** 206.378.4132
18 West Mercer Street, Suite 400, Seattle, WA 98119

This communication is intended for a specific recipient and may be protected by the attorney-client and work-product privilege. If you receive this message in error, please permanently delete it and notify the sender.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295129

WORKERS UNITED

Petitioner

**ORDER APPROVING WITHDRAWAL REQUEST
AND
WITHDRAWING NOTICE OF REPRESENTATION HEARING**

On May 9, 2022, the Petitioner requested permission to withdraw the petition.

IT IS ORDERED that the Petitioner's request to withdraw the petition is approved.

IT IS FURTHER ORDERED that the Notice of Representation Hearing previously issued in this matter is withdrawn and the hearing that is scheduled for Tuesday, May 24, 2022 is hereby cancelled.

Dated: May 10, 2022

Ronald K. Hooks

RONALD K. HOOKS, REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2ND AVE STE 2948
SEATTLE, WA 98174-1006

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295129

WORKERS UNITED

Petitioner

**AFFIDAVIT OF SERVICE OF: Order Approving Withdrawal Request and
Withdrawing Notice of Representation Hearing, dated May 10, 2022.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **May 10, 2022**, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

Jeffrey E. Dilger , Attorney
Littler Mendelson, P.C.
80 S 8th St., Ste. 1300
Minneapolis, MN 55402-2136

Ryan P. Hammond , Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Thomas S. Grow , Attorney at Law
Littler Mendelson, P.C.
3725 Champion Hills Dr., Ste. 3000
Memphis, TN 38125-2597

Alyson D. Dieckman , Attorney
Littler Mendelson P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Breanne Lynch , Attorney
Littler Mendelson P.C.
600 University St Ste 3200
Seattle, WA 98101-3122

Gregory S. Fisher , Attorney
Littler Mendelson PC
500 L St Ste 201
Anchorage, AK 99501-5909

STARBUCKS CORPORATION
2401 UTAH AVE S
STE 80
SEATTLE, WA 98134-1435

Starbucks Corporation
4115 4th Ave S
Seattle, WA 98134

Richard A. Minter , Assistant Manager
Workers United
22 S 22nd St.
Philadelphia, PA 19103-3005

Michael White , Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Marina Multhaup , Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Dmitri Iglitzin , Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971

Ian Hayes , Attorney
Creighton, Johnsen & Giroux
1103 Delaware Ave
Buffalo, NY 14209-1601

May 10, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

Leila Nomoto

Signature

Case Name: Starbucks Corporation
Case No.: 19-RC-295129
Agent: Field Attorney SARAH M. MCBRIDE

CASEHANDLING LOG

[illegible]

From: [La, Annette S.](#)
To: richard.minter@workers-united.org; [Michael White](#); [Marina Multhaup](#); [Dmitri Iglitzin](#); ihayes@hayesdolce.com
Cc: [McBride, Sarah M](#)
Subject: 19-RC-295494 Starbucks Corporation
Date: Tuesday, May 10, 2022 2:28:00 PM
Attachments: [DCK.19-RC-295494.Letter to Petitioner in RC case.pdf](#)
[PET.19-RC-295494.Starbucks Corporation Petition \(4115 4th Ave\).pdf](#)

Dear Parties:

Attached is the petition; the initial docket letter to the petitioner; and the notice of hearing in the above captioned case. Further questions can be directed to field attorney Sarah McBride by phone: 206-220-6282 or email: Sarah.McBride@nlrb.gov.

Thank you,
Annie La

Program Support Assistant
National Labor Relations Board
Region-19 Seattle
Annette.la@nlrb.gov



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

May 10, 2022

URGENT

richard.minter@workers-united.org
(215)575-9065

Richard A. Minter, Assistant Manager
Workers United
22 S 22nd St.
Philadelphia, PA 19103-3005

Re: Starbucks Corporation
Case 19-RC-295494

Dear Mr. Minter:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Attorney SARAH M. MCBRIDE whose telephone number is (206)220-6282. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206)220-6319. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within 2

business days. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **9:00 AM on Tuesday, May 31, 2022** by way of **Video Conferencing Hearing- Zoom**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by May 17, 2022 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Pacific Time on May 20, 2022**. The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Pacific Time on May 25, 2022**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike**

other e-Filed documents, will not be timely if filed on the due date but after noon Pacific Time. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or

from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

- (a) The correct name of the Union as stated in its constitution or bylaws.
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.
- (c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.
- (d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any “inside knowledge” or favored relationship with the NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board’s Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency’s web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the petition.

Information about the NLRB and our customer service standards is available on our website, www.nlr.gov, or from an NLRB office upon your request. We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Marina Multhaup, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Ian Hayes, Attorney
Creighton, Johnsen & Giroux
1103 Delaware Ave
Buffalo, NY 14209-1601

Michael White, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

Dmitri Iglitzin, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St Ste 400
Seattle, WA 98119-3971



National Labor Relations Board



NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 19-RC-295494 seeking an election to become certified as the representative of the employees of STARBUCKS CORPORATION in the unit set forth below:

Included: All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers.
Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- To self-organization
- To form, join, or assist labor organizations
- To bargain collectively through representatives of your own choosing
- To act together for the purposes of collective bargaining or other mutual aid or protection
- To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. **NO FINAL DECISIONS HAVE BEEN MADE YET** regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- Threatening loss of jobs or benefits by an employer or a union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return
- Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a union or an employer to influence their votes

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlr.gov or contact the NLRB at (206)220-6300.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.



National Labor Relations Board





**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**



STARBUCKS CORPORATION Employer and WORKERS UNITED Petitioner	Case 19-RC-295494
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

IT IS HEREBY ORDERED that, pursuant to Sections 3(b) and 9(c) of the Act, a video hearing in the above-entitled matter is scheduled for **Tuesday, May 31, 2022 at 9:00 a.m. PT.** The video hearing will continue on consecutive days thereafter until concluded. At the hearing, the parties will have the right to appear by video and give testimony. The information necessary to participate in the video hearing will be provided to the parties prior to the hearing by the Hearing Officer.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, STARBUCKS CORPORATION must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that it is received by them by no later than **noon** Pacific time on May 20, 2022. Following timely filing and service of a Statement of Position by STARBUCKS CORPORATION, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Pacific on May 25, 2022.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlr.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: May 10, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF REPRESENTATION CASE PROCEDURES
IN CERTIFICATION AND DECERTIFICATION CASES**

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlr.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlr.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

Purpose of Hearing: The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

Issues at Hearing: Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

Preclusion: At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Conduct of Hearing: If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

Official Record: An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

Motions and Objections: All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

Election Details: Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

Oral Argument and Briefs: Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlr.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular ("cell") telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

Note: Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx).

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE

Case No.

19-RC-295494

Date Filed

May 9, 2022

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.

Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.

1a. Full name of party filing Statement of Position		1c. Business Phone:	1e. Fax No.:
1b. Address (Street and number, city, state, and ZIP code)		1d. Cell No.:	1f. e-Mail Address
2. Do you agree that the NLRB has jurisdiction over the Employer in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No (A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)			
3. Do you agree that the proposed unit is appropriate? <input type="checkbox"/> Yes <input type="checkbox"/> No (If not, answer 3a and 3b)			
a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)			
b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.			
Added		Excluded	
4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.			
5. Is there a bar to conducting an election in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the basis for your position.			
6. Describe all other issues you intend to raise at the pre-election hearing.			
7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx . (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B) (b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be <i>added</i> to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be <i>excluded</i> from the proposed unit to make it an appropriate unit. (Attachment D)			
8a. State your position with respect to the details of any election that may be conducted in this matter. Type: <input type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail			
8b. Date(s)	8c. Time(s)	8d. Location(s)	
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input type="checkbox"/> Other (specify length)	
9. Representative who will accept service of all papers for purposes of the representation proceeding			
9a. Full name and title of authorized representative	9b. Signature of authorized representative		9c. Date
9d. Address (Street and number, city, state, and ZIP code)			9e. e-Mail Address
9f. Business Phone No.:		9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 19-RC-295494
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-4559/Optional%20Forms%20for%20Voter%20List.docx)

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE

Case No.
19-RC-295494

Date Filed
May 9, 2022

INSTRUCTIONS: If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer

An Intervenor/Union

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone

1d. Cell No.

1e. Fax No.

1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative

Signature of Authorized Representative

Date

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case

19-RC-295494

Date Filed

5/9/2022

INSTRUCTIONS: Unless e-Filed using the Agency's website, <http://www.nlr.gov/>, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1 PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer: Starbucks Corporation		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 4115 4th Ave S, Seattle, WA 98134	
3a. Employer Representative - Name and Title: Howard Schultz, CEO		3b. Address (if same as 2b - state same): 2401 Utah Avenue South, Suite 800, Seattle, WA 98134	
3c. Tel. No. 206-318-2212	3d. Cell No.	3e. Fax No.	3f. E-Mail Address hschultz@starbucks.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Coffee shop		4b. Principal Product or Service Food and beverage	5a. City and State where unit is located: Seattle, WA
5b. Description of Unit Involved: Included: All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.			6a. Number of Employees in Unit: Approx. 24 6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Check One: ☐ 7a Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state)

☐ 7b Petitioner is currently recognized as Bargaining Representative and desires certification under the Act

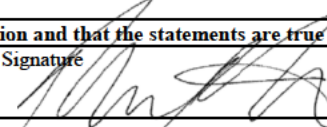
8a. Name of Recognized or Certified Bargaining Agent (If none, so state):		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <u>NO</u> If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____.			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)			
10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election:		11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail	
11b. Election Date(s): ASAP	11c. Election Time(s): N/A	11d. Election Location(s): N/A	
12a. Full Name of Petitioner (including local name and number): Workers United		12b. Address (street and number, city, State and ZIP code) 22 South 22 nd Street, Philadelphia, PA 19103	

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)

Service Employees International Union

12d. Tel. No. 646-448-6414	12e. Cell No.	12f. Fax No. 215-575-9065	12g. E-Mail Address RMinter@pjbwu.org
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Marina Multhaup, Attorney		13b. Address (street and number, city, State and ZIP code) Barnard Iglitzin & Lavitt, LLP 18 W. Mercer St., Ste 400, Seattle, WA 98119	
13c. Tel. No. 260-257-6001	13d. Cell No.	13e. Fax No. 206-378-4132	13f. E-Mail Address multhaup@workerlaw.com

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Marina Multhaup	Signature 	Title Attorney	Date May 9, 2022
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



**BARNARD
IGLITZIN &
LAVITT LLP**

18 West Mercer Street, Suite 400
Seattle, WA 98119

TEL (800) 238.4231
FAX (206) 378.4132

Jennifer Woodward
Senior Paralegal
DIR (206) 257-6016
woodward@workerlaw.com

VIA E-FILE WITH NLRB

November 10, 2022

Ronald K. Hooks
Regional Office 19 - Seattle, WA
915 2nd Avenue, Room 2948
Seattle, WA 98174-1078

RE: Starbucks Corporation
Case No.: 19-RC-295494
BIL No.: 3449-047

Dear Director Hooks,

Please issue one (1) subpoena duces tecum and three (3) subpoenas ad testificandum in the above-referenced matter. Please arrange to have the subpoenas emailed to woodward@workerlaw.com. Thank you for your attention in this matter.

Sincerely,

Jennifer Woodward
Senior Paralegal

From: [Uomoto, Leila](#)
To: [Jennifer Woodward](#)
Cc: [McBride, Sarah M](#)
Subject: FW: 19-RC-295494 Starbucks Corporation
Date: Wednesday, May 11, 2022 3:04:00 PM
Attachments: [SUB.19-RC-295494.DT Hearing Subpoena Form blank B-1-1FXFVBP.docx](#)
[SUB.19-RC-295494.AT Hearing Subpoena Form blank A-1-1FXFQ33.docx](#)
[SUB.19-RC-295494.AT Hearing Subpoena Form blank A-1-1FXFRZF.docx](#)
[SUB.19-RC-295494.AT Hearing Subpoena Form blank A-1-1FXFKCF.docx](#)

Hi:

Correction: one Subpoena DT. Thanks!

Best Regards,

*Leila Uomoto, Program Support Assistant
National Labor Relations Board, Region 19
915 Second Avenue
Seattle, Washington 98174*

From: Uomoto, Leila
Sent: Wednesday, May 11, 2022 12:00 PM
To: Jennifer Woodward <woodward@workerlaw.com>
Cc: McBride, Sarah M <Sarah.McBride@nlrb.gov>
Subject: 19-RC-295494 Starbucks Corporation

Attached are the three blank AT Subpoenas and the two blank Subpoena DTs for 19-RC-295494 Starbucks Corporation that you have requested.

Best Regards,

*Leila Uomoto, Program Support Assistant
National Labor Relations Board, Region 19
915 Second Avenue
Seattle, Washington 98174*

SUBPOENA DUCES TECUM**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR
VIRTUALLY BEFORE

A Hearing Officer

of the National Labor Relations Board

VIA Zoom videoconference, due to the circumstances and status of the COVID-19 pandemic, through a
link to be provided prior to hearing.

on _____ at _____ or any adjourned

Starbucks Corporation
or rescheduled date to testify in 19-RC-295494
(Case Name and Number)And you are hereby required to bring with you and produce at said time and place the following books, records,
correspondence, and documents **in a PDF electronic format due to the hearing being held virtually via Zoom:**

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-1FXFVBPUnder the seal of the National Labor Relations Board, and by direction of the
Board, this Subpoena is

Issued at Seattle, WA

Dated: May 11, 2022

Handwritten signature of Lauren McFerran in black ink.
Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

Case 19-RC-295494

B-1-1FXFVBP

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

SUBPOENA**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR
VIRTUALLY BEFOREA Hearing Officer

_____ of the National Labor Relations Board

VIA Zoom videoconference due to the circumstances and status of COVID-19 pandemic, through a link
to be provided prior to hearing.

on _____ at _____ or any adjourned

or rescheduled date to testify in Starbucks Corporation
19-RC-295494

(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

A-1-1FXFRZFUnder the seal of the National Labor Relations Board, and by direction of the
Board, this Subpoena is

Issued at Seattle, WA

Dated: May 11, 2022



 A handwritten signature in cursive script that reads "Lauren McFerran".

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

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Case 19-RC-295494

A-1-1FXFRZF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

**(Check
method
used.)**

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

SUBPOENA**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____
(Street) (City) (State) (ZIP)YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR
VIRTUALLY BEFORE

A Hearing Officer

_____ of the National Labor Relations Board

VIA Zoom videoconference due to the circumstances and status of COVID-19 pandemic, through a link
to be provided prior to hearing.

on _____ at _____ or any adjourned

Starbucks Corporation
or rescheduled date to testify in 19-RC-295494

(Case Name and Number)

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R. Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

A-1-1FXFQ33Under the seal of the National Labor Relations Board, and by direction of the
Board, this Subpoena is

Issued at Seattle, WA

Dated: May 11, 2022



 A handwritten signature in cursive script that reads "Lauren McFerran".

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

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Case 19-RC-295494

A-1-1FXFQ33

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

(Check method used.)

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

SUBPOENA**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To _____

As requested by _____

whose address is _____

(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR
VIRTUALLY BEFORE

A Hearing Officer

_____ of the National Labor Relations Board

VIA Zoom videoconference due to the circumstances and status of COVID-19 pandemic, through a link
to be provided prior to hearing.

on _____ at _____ or any adjourned

Starbucks Corporation
or rescheduled date to testify in 19-RC-295494

(Case Name and Number)

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A-1-1FXFKCFUnder the seal of the National Labor Relations Board, and by direction of the
Board, this Subpoena is

Issued at Seattle, WA

Dated: May 11, 2022



 A handwritten signature in cursive script that reads "Lauren McFerran".

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

PRIVACY ACT STATEMENT

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Case 19-RC-295494

A-1-1FXFKCF

RETURN OF SERVICE

I certify that, being a person over 18 years of age, I duly served a copy of this subpoena

**(Check
method
used.)**

- ☐ by person
- ☐ by certified mail
- ☐ by registered mail
- ☐ by telegraph
- ☐ by leaving copy at principal office or place of business at

on the named person on

(Month, day, and year)

(Name of person making service)

(Official title, if any)

CERTIFICATION OF SERVICE

I certify that named person was in attendance as a witness at

on

(Month, day or days, and year)

(Name of person certifying)

(Official title)

From: [Marina Multhaup](#)
To: [McBride, Sarah M](#)
Cc: woodward@workerlaw.com; [Dmitri Iglitzin](#)
Subject: 19-RC-295494 Petition Withdrawal
Date: Thursday, May 12, 2022 12:02:29 PM
Attachments: [image001.png](#)

CAUTION: The sender of this message is external to the NLRB network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to nrbirc@nrlb.gov.

Hi Sarah,

It has come to our attention that the signed cards for case 19-RC-295494 were (again) not delivered to the region within the 2 days required by the rules. Therefore, Workers United would like to withdraw the petition. At this point, we do not intend to refile this petition. Please let me know if you need any additional information.

Sincerely,
Marina Multhaup
Counsel for Workers United



MARINA MULTHAUP | *Associate Attorney* (she/her)
DIR: 206.257.6001 | **FAX:** 206.378.4132
18 West Mercer Street, Suite 400, Seattle, WA 98119

This communication is intended for a specific recipient and may be protected by the attorney-client and work-product privilege. If you receive this message in error, please permanently delete it and notify the sender.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295494

WORKERS UNITED

Petitioner

**ORDER APPROVING WITHDRAWAL REQUEST AND
WITHDRAWING NOTICE OF REPRESENTATION HEARING**

On May 13, 2022, the Petitioner requested permission to withdraw the petition.

IT IS ORDERED that the Petitioner's request to withdraw the petition is approved.

IT IS FURTHER ORDERED that the Notice of Representation Hearing previously issued in this matter is withdrawn and the hearing that is scheduled for Tuesday, May 31, 2022 is hereby cancelled.

Dated: May 13, 2022

Ronald K. Hooks

RONALD K. HOOKS
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STARBUCKS CORPORATION

Employer

and

Case 19-RC-295494

WORKERS UNITED

Petitioner

AFFIDAVIT OF SERVICE OF: Order Approving Withdrawal Request and Withdrawing Notice of Representation Hearing, dated May 13, 2022.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **May 13, 2022**, I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

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May 13, 2022

Date

Dennis Snook, Designated Agent of NLRB

Name

/s/ Annie La

Signature

Case Name: Starbucks Corporation
Case No.: 19-RC-295494
Agent: Field Attorney SARAH M. MCBRIDE

CASEHANDLING LOG

[illegible]